

## NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* 1st as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Arizona Administrative Register* after the final rules have been submitted for filing and publication.

### NOTICE OF FINAL RULEMAKING

#### TITLE 3. AGRICULTURE

#### CHAPTER 1. DEPARTMENT OF AGRICULTURE ADMINISTRATION

#### PREAMBLE

1. Sections Affected  
Article 1  
R3-1-102
- Rulemaking Action  
Amend  
New Section
2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):  
Authorizing statute: A.R.S. §§ 3-107, 41-1073  
Implementing statute: A.R.S. §§ 3-107, 41-1073, 41-1074, 41-1075, 41-1076
3. The effective date of the rules:  
October 14, 1998
4. A list of all previous notices appearing in the Register addressing the adopted rule:  
Notice of Rulemaking Docket Opening: 4 A.A.R. 597, February 27, 1998.  
Notice of Proposed Rulemaking: 4 A.A.R. 1652, July 10, 1998.
5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:  
Name: Shirley Conard, Rules Specialist  
Address: Arizona Department of Agriculture  
1688 West Adams, Room 124  
Phoenix, Arizona 85007  
Telephone: (602) 542-0962  
Fax: (602) 542-5420
6. An explanation of the rule, including the agency's reasons for initiating the rule:  
This rule provides the parameters for identifying time requirements observed by the Department and identifies the criteria used to compute any period of time. The amended Article name will reflect the diversity of the Article.
7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:  
Not applicable.
8. The summary of the economic, small business, and consumer impact:  
It is not anticipated that the adoption of this rule will have any impact on government, private industry, small business, or consumers.
  - A. *Estimated Costs and Benefits to the Arizona Department of Agriculture.*  
This rule will not economically affect the Department.
  - B. *Estimated Costs and Benefits to Political Subdivisions.*  
Political subdivisions of this state are not directly affected by the implementation and enforcement of this rulemaking.
  - C. *Businesses Directly Affected By the Rulemaking.*  
This rule will not economically affect any person or entity doing business with the Department.

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D. *Estimated Costs and Benefits to Private and Public Employment.*

Private and public employment are not directly affected by the implementation and enforcement of this rulemaking.

E. *Estimated Costs and Benefits to Consumers and the Public.*

Consumers and the public are not directly affected by the implementation and enforcement of this rulemaking.

F. *Estimated Costs and Benefits to State Revenues.*

This rulemaking will have no impact on state revenues.

9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):  
Format and clarification changes were made at the request of G.R.R.C. staff. No substantive changes were made.

10. A summary of the principal comments and the agency response to them:  
None.

11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:  
None.

12. Incorporations by reference and their location in the rules:  
None.

13. Was this rule previously adopted as an emergency rule?  
No.

14. The full text of the rules follows:

**TITLE 3. AGRICULTURE**

**CHAPTER 1. DEPARTMENT OF AGRICULTURE  
ADMINISTRATION**

**ARTICLE 1. DEFINITIONS GENERAL PROVISIONS**

Section  
R3-1-102. Computation of Time

**ARTICLE 1. DEFINITIONS GENERAL PROVISIONS**

R3-1-102. Computation of Time  
In computing any period of time prescribed or allowed by these rules or by an order of the Director, the day of the act, event, or

default from which the designated period of time begins to run shall not be included. The last day of the period shall be included unless it is Saturday, Sunday, or a legal holiday in which event the period runs until the end of the next day which is neither Saturday, Sunday, nor a legal holiday. When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation.

**NOTICE OF FINAL RULEMAKING**

**TITLE 3. AGRICULTURE**

**CHAPTER 3. DEPARTMENT OF AGRICULTURE  
ENVIRONMENTAL SERVICES DIVISION**

**PREAMBLE**

- |   |   |
|---|---|
| <p>1. <u>Sections Affected</u><br/>Article 1<br/>R3-3-102<br/>Table 1</p>   | <p><u>Rulemaking Action</u><br/>Amend<br/>New Section<br/>New Section</p> |
| <p>2. <u>The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):</u><br/>Authorizing statute: A.R.S. § 3-107, 41-1073<br/>Implementing statute: A.R.S. §§ 3-107, 41-1073, 41-1074, 41-1075, and 41-1076</p> |   |
| <p>3. <u>The effective date of the rules:</u><br/>October 8, 1998</p>   |   |
| <p>4. <u>A list of all previous notices appearing in the Register addressing the adopted rule.</u><br/>Notice of Rulemaking Docket Opening: 4 A.A.R. 473, February 13, 1998.<br/>Notice of Proposed Rulemaking: 4 A.A.R. 1658, July 10, 1998.</p>   |   |

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**5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Shirley Conard, Rules Specialist  
Address: Arizona Department of Agriculture  
1688 West Adams, Room 124  
Phoenix, Arizona 85007  
Telephone: (602) 542-0962  
Fax: (602) 542-5420

**6. An explanation of the rule, including the agency's reasons for initiating the rules:**

A.R.S. § 41-1072 et seq., requires agencies to adopt rules establishing time-frames for the granting or denial of licenses. A.R.S. § 41-1001(11) defines a "license" as *the whole or part of any agency permit, certificate, approval, registration, charter or similar form of permission require by law, but it does not include a license required solely for revenue purposes*. The rules must specify:

1. An "administrative completeness time-frame" (the time it takes the agency to determine if an application is complete);
2. A "substantive review time-frame" (the time it takes the agency to review the application and determine if the applicant meets the substantive criteria for licensure); and
3. An "overall time-frame" (a combination of the administrative completeness and substantive review time-frames.)

The law also requires an agency to notify applicants within the established time-frames, whether the application is complete (administrative completeness) and whether a license or certification is being issued (substantive review).

The Department researched our licenses, certifications, permits and registrations to determine whether they constituted a "license" as contemplated by A.R.S. § 41-1073. R3-4-102 contains the final listing, in the form of a matrix, of those licenses which fall under the requirements of the new law.

According to legislation, time-frames are required only for licenses that require an application for processing. A.R.S. § 41-1073 prescribes that . . . *[n]o later than December 31, 1998, an agency that issues licenses shall have in place final rules establishing an overall time-frame during which the agency will either grant or deny each type of license that it issues*. The definition of "overall time-frame" is *the number of days after receipt of an application for a license during which an agency determines whether to grant or deny a license*. Determining whether a license required an application, or whether a license is summarily issued upon request is the basis for whether the Department is required to develop time-frames. The Department does issue some licenses based upon review of an application, and under this statute has developed time-frames.

The term "application" is not defined in the administrative procedures statutes. However, an application is generally a written request in which the information provided is used in determining if the applicant meets the necessary qualifications for a license. This also has served as a guide when reviewing the licenses that require an application.

The language of A.R.S. § 41-1073(C) was carefully considered in reviewing and establishing the time-frames in R3-3-102. In particular, the potential impact of delay on the regulated community is weighed against the resources of the agency.

Although only 3 employees process 6400 licenses each year, it is rare that the fully allotted time-frames are used. When processing new licenses every effort is made to provide a quick turn-around for the applicant. However, in the case where a renewal deadline is 30-days before the expiration date, renewals may be sent out 6- to 8-weeks in advance. If the applicant sends the renewal form back immediately, and because the Division holds and batches all applications until just before the expiration date, it is possible that the time-frame could extend to the maximum period stated.

A.R.S. § 3-351, Pesticide Registration, requires a more substantive review after the application has been reviewed for completeness. With over 8,000 pesticides registered, the complexity of each registration package makes it difficult to process the application in a short period of time. The Division currently registers over 900 pesticide registration applicants. If the registration is for currently registered products, the agency must research and provide correct labels for each product. If the registration is for new unregistered products, the agency must research and verify each submitted label.

**7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

**8. The summary of the economic, small business, and consumer impact:**

It is not anticipated that the adoption of this rule will have any impact on private industry, small business, or consumers. This rule action provides the codification of the time-frames currently observed by the Environmental Services Division of the Arizona Department of Agriculture.

**A. Estimated Costs and Benefits to the Arizona Department of Agriculture.**

Currently, when incomplete applications are received, the individual program either obtains the missing information by telephone, or sends the applicant a letter explaining what information is missing. This rule simply codifies the time-frames and procedures already observed by the Environmental Services Division.

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This Division processed 5,348 licenses, permits and certifications and approved 177 courses for continuing education credit in 1997. The estimated cost for training at least 8 staff members to calculate the various time-frame review periods is approximately \$323.00. Additionally it will cost approximately \$4,650.00 to track the time-frames for these licenses and course approvals. We are in the process of developing computer software to track time-frames. Our projected cost to develop, test, train and implement this program is \$1200.

The Department does not anticipate that penalties will be incurred for noncompliance with the overall time-frames.

**B. *Estimated Costs and Benefits to Political Subdivisions.***

Political subdivisions of this state are not directly affected by the implementation and enforcement of this rulemaking.

**C. *Businesses Directly Affected By the Rulemaking.***

Any businesses applying for a license will follow current procedures and practices and no additional cost or benefits shall occur. The proposed rules will provide an intangible benefit for these businesses by identifying the time-frames in which the Division will approve or deny licenses.

**D. *Estimated Costs and Benefits to Private and Public Employment.***

Private and public employment are not directly affected by the implementation and enforcement of this rulemaking.

**E. *Estimated Costs and Benefits to Consumers and the Public.***

Consumers and the public shall follow current procedures and practices when applying for licenses and no additional cost or benefits shall occur. Consumers may also receive an intangible benefit by the identification of specific time limits for processing licenses.

**F. *Estimated Costs and Benefits to State Revenues.***

This rulemaking will have no impact on state revenues unless the Department does not grant or deny a license within the established time-frames and is required to refund fees and pay a penalty.

**9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

Laws 1998, Ch. 57, effective August 21, 1998 amending A.R.S. § 41-1073(D), eliminates the requirement to provide a rulemaking time-frame for any license taking 7 days or less to issue. The Emergency Use Pesticides (A.R.S. § 3-372) is granted or denied within 7 days it has been removed from this rulemaking.

The location of the time-frame matrix was changed from subsection (D) to Table 1.

Subsection (B)(3), "may" was changed to "shall" and "unless the applicant requests an extension" was added after "file."

Subsection (C)(1) was changed for having the application "withdrawn" to "denying" the license if the applicant fails to provide the information requested.

Format and clarification changes were made at the request of G.R.R.C. staff. No substantive changes were made.

**10. A summary of the principal comments and the agency response to them:**

None.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None.

**12. Incorporations by reference and their location in the rules:**

None.

**13. Was this rule previously adopted as an emergency rule?**

No.

**14. The full text of the rules follows:**



**TITLE 3. AGRICULTURE**

**CHAPTER 3. DEPARTMENT OF AGRICULTURE  
ENVIRONMENTAL SERVICES DIVISION**

**ARTICLE 1. DEFINITIONS GENERAL PROVISIONS**

**Section**

**R3-3-102. Licensing Time-frames**

**Table 1. Time-frames**

**ARTICLE 1. DEFINITIONS GENERAL PROVISIONS**

**R3-3-102. Licensing Time-frames**

- A. Overall time-frame.** The Department shall issue or deny a license within the overall time-frames listed in Table 1 after receipt of the complete application. The overall time-frame is the total of the number of days provided for the administrative completeness review and the substantive review.
- B. Administrative completeness review.**
1. The administrative completeness review time-frame established in Table 1 begins on the date the Department receives the application. The Department shall notify the applicant in writing within the administrative completeness review time-frame whether the application or request is incomplete. The notice shall specify what information is missing. If the Department does not provide notice to the applicant within the administrative completeness review time-frame, the Department considers the application complete.
  2. An applicant with an incomplete license application shall supply the missing information within the completion request period established in Table 1. The administrative completeness review time-frame is suspended from the date the Department mails the notice of miss-

ing information to the applicant until the date the Department receives the information.

3. If the applicant fails to submit the missing information before the expiration of the completion request period, the Department shall close the file, unless the applicant requests an extension. An applicant whose file has been closed may obtain a license by submitting a new application.
- C. Substantive review.** The substantive review time-frame established in Table 1 shall begin after the application is administratively complete.
  1. If the Department makes a comprehensive written request for additional information, the applicant shall submit the additional information identified by the request within the additional information period provided in Table 1. The substantive review time-frame is suspended from the date of the Department request until the information is received by the Department. If the applicant fails to provide the information identified in the written request within the additional information period, the Department shall deny the license.
  2. The Department shall issue a written notice granting or denying a license within the substantive review time-frame. If the application is denied, the Department shall send the applicant written notice explaining the reason for the denial with citations to supporting statutes or rules, the applicant's right to seek a fair hearing, and the time period in which the applicant may appeal the denial.

**Table 1. Time-frames (Calendar Days)**

<b>License</b>	<b>Authority</b>	<b>Administrative Completeness Review</b>	<b>Response to Completion Request</b>	<b>Substantive Completeness Review</b>	<b>Response to Additional Information</b>	<b>Overall Time-frame</b>
<u>Grower Permit</u>	<u>A.R.S. 3-363</u>	<u>14</u>	<u>14</u>	<u>56</u>	<u>14</u>	<u>70</u>
<u>Seller Permit</u>	<u>A.R.S. 3-363</u>	<u>14</u>	<u>14</u>	<u>56</u>	<u>14</u>	<u>70</u>
<u>Agricultural Aircraft Pilot</u>	<u>A.R.S. 3-363</u>	<u>14</u>	<u>14</u>	<u>56</u>	<u>14</u>	<u>70</u>
<u>Custom Applicator License</u>	<u>A.R.S. 3-363</u>	<u>14</u>	<u>14</u>	<u>63</u>	<u>14</u>	<u>77</u>
<u>Application Equipment</u>	<u>A.R.S. 3-363</u>	<u>14</u>	<u>14</u>	<u>56</u>	<u>14</u>	<u>70</u>
<u>Pest Control Advisor</u>	<u>A.R.S. 3-363</u>	<u>14</u>	<u>14</u>	<u>63</u>	<u>14</u>	<u>77</u>
<u>Commercial Applicator Certification</u>	<u>A.R.S. 3-363</u>	<u>14</u>	<u>14</u>	<u>63</u>	<u>14</u>	<u>77</u>
<u>Private Application Certification</u>	<u>A.R.S. 3-363</u>	<u>14</u>	<u>14</u>	<u>63</u>	<u>14</u>	<u>77</u>
<u>Experimental Use Permit</u>	<u>A.R.S. 3-350.01</u>	<u>14</u>	<u>14</u>	<u>28</u>	<u>14</u>	<u>42</u>
<u>Continuing Education Approval</u>	<u>A.R.S. 3-363</u>	<u>14</u>	<u>14</u>	<u>42</u>	<u>14</u>	<u>56</u>
<u>Pesticide Registration</u>	<u>A.R.S. 3-351</u>	<u>14</u>	<u>14</u>	<u>91</u>	<u>14</u>	<u>105</u>

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<u>Licensing Manufacture or Distribution of Commercial Feed</u>	<u>A.R.S. 3-2609</u>	<u>14</u>	<u>14</u>	<u>42</u>	<u>14</u>	<u>56</u>
<u>Commercial Fertilizer License</u> <u>Specialty Fertilizer Registration</u>	<u>A.R.S. 3-272</u>	<u>14</u> <u>14</u>	<u>14</u> <u>14</u>	<u>42</u> <u>56</u>	<u>14</u> <u>14</u>	<u>56</u> <u>70</u>
<u>Agricultural Safety Trainer Certification</u>	<u>A.R.S. 3-3125</u> <u>R3-3-1003</u>	<u>28</u>	<u>14</u>	<u>28</u>	<u>14</u>	<u>56</u>

**NOTICE OF FINAL RULEMAKING**

**TITLE 20. COMMERCE, BANKING, AND INSURANCE**

**CHAPTER 1. DEPARTMENT OF COMMERCE**

**PREAMBLE**

**1. Sections Affected**

Article 2  
R20-1-201  
R20-1-202  
R20-1-203  
R20-1-204  
R20-1-205  
R20-1-206

**Rulemaking Action**

Repeal  
Repeal  
Repeal  
Repeal  
Repeal  
Repeal  
Repeal

**2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 41-1504(B)(4)

Implementing statute: Unknown

The rulemaking will repeal rules that apply to a program that does not exist within the Department of Commerce. The agency is unable to locate any reference to the program or to Part 882 of Title 24 of the Code of Federal Regulations (24 CFR 882) in the Arizona Revised Statutes. The agency has been unable to obtain information about the program from the Department of Economic Security or the Department of Health Services.

**3. The effective date of the rules:**

October 15, 1998.

**4. A list of all previous notices appearing in the Register addressing the rule:**

• Notice of Rulemaking Docket Opening: 4 A.A.R. 959, April 24, 1998.

Notice of Proposed Rulemaking: 4 A.A.R. 1055, May 8, 1998.

**5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Joan E. Laurence

Address: Department of Commerce  
3800 North Central Avenue, Suite 1400  
Phoenix, Arizona 85012

Telephone: (602) 280-8181

Fax: (602) 280-1305

**6. An explanation of the rules, including the agency's reasons for initiating the rules:**

This rule contains requirements for state regulation of the Independent Group Residence (IGR) Program in accordance with Part 882 of Title 24 of the Code of Federal Regulations (24 CFR 882). The Program does not exist within the Department of Commerce.

**7. A showing of good cause why the rules are necessary to promote a statewide interest if the rules will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

8. The summary of the economic, small business, and consumer impact:  
Exempt according to A.R.S. §41-1055(D)(3). This rulemaking is deregulatory in nature as it reduces reporting and record keeping requirements.
9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):  
There are no changes between the proposed rules and the final rules.
10. A summary of the principal comments and the agency response to them:  
No comments were received.
11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:  
None.
12. Incorporations by reference and their location in the rules:  
None.
13. Was this rule previously adopted in an emergency rule?  
No.
14. The full text of the rules follows:

**TITLE 20. COMMERCE, BANKING, AND INSURANCE**

**CHAPTER 1. DEPARTMENT OF COMMERCE**

**ARTICLE 2. INDEPENDENT GROUP RESIDENCE PROGRAM**

**Section**

- R20-1-201. General
- R20-1-202. Definitions
- R20-1-203. Service Agency
- R20-1-204. Independent Group Residence
- R20-1-205. Supportive Services Plan
- R20-1-206. Service Agreement

**ARTICLE 2. INDEPENDENT GROUP RESIDENCE PROGRAM**

**R20-1-201. General**

These regulations contain requirements for state regulation of the Independent Group Residence (IGR) Program in accordance with Part 882 of Title 24 of the Code of Federal Regulations (24 CFR 882).

**R20-1-202. Definitions**

For the purpose of this Article the following definitions apply:

1. "IGR Resident" means any elderly, handicapped or disabled individual residing in an Independent Group Residence who has been approved by the Service Agency to receive supportive services and who has been approved by a Public Housing Agency to reside in an Independent Group Residence.
2. "Independent Group Residence" means a dwelling unit for the exclusive residential use of 2 to 12 elderly, handicapped or disabled individuals who are not capable of living completely independently and require a planned program of continual supportive services. This excludes live-in Resident Assistants, if any.
3. "Inter-Agency IGR Committee" means the State Inter-Agency Advisory Committee formed to address all Independent Group Residence related issues. The committee consists of one representative appointed by each of the Directors of the Departments of Health Services and Economic Security and the Department of Commerce. The committee shall be chaired by the Department of Commerce representative.
4. "Lease Agreement" means a written agreement between an owner and an eligible individual for the leasing of an

existing housing unit in accordance with a written contract between a Public Housing Agency (PHA) and an owner for the purpose of providing housing assistance payments to the owner on behalf of an eligible individual as described in 24 CFR 882.

5. "Needs Assessment" means a written listing of the supportive services needs of an individual who will live in an Independent Group Residence. This assessment shall be determined by appropriate professionals such as physicians, nurses, social workers, and counselors and shall be approved by the chief administrative officer of the Service Agency. The assessment shall specify the type and frequency of supportive services needed.
6. "Occupant" means anyone living in a designated Independent Group Residence unit, not including Resident Assistants.
7. "Office" means the Department of Commerce.
8. "Resident Assistant" means a person who lives in an Independent Group Residence and provides on a daily basis some or all of the necessary supportive services to IGR residents and who is essential to these residents' care or well-being. A Resident Assistant shall not be related by blood, marriage, or operation of law to the IGR residents nor contribute a portion of his or her income or resources towards the expenses of IGR residents.
9. "Service Agency" means a public or private non-profit organization which is recognized by the Office as qualified to determine the supportive service needs of individuals who will reside in Independent Group Residences.
10. "Service Agreement" means a written agreement approved by the Office between the owner of an Independent Group Residence and the Service Agency and other entities providing the supportive services to the occupants of Independent Group Residences.
11. "State Departments" means the Department of Economic Security and the Department of Health Services.
12. "Supportive Services Plan" means a plan for the provision of adequate supportive services appropriate to the needs of IGR residents. To insure client rights, this plan shall be developed in consultation with the individual IGR resident. Said services shall be provided on a

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planned continual basis by a qualified Resident Assistant or Assistants residing in the Independent Group Residence unit or other qualified persons not residing in the unit.

**R20-1-203. Service Agency**

- A. Pursuant to 24 CFR 882, a Service Agency shall be recognized by the Office as qualified to determine the supportive services needs of individuals who will reside in Independent Group Residences, provided that it meets the standards set forth in subsections (B) or (C) below.
- B. State recognition shall be granted by the Office for no more than one year to any Service Agency applicant which is a state or local public agency which is legally authorized to provide those services required of a Service Agency to individuals who are handicapped, disabled, or elderly and eligible to reside in an Independent Group Residence under 24 CFR 882.
- C. Recognition as a Service Agency may also be granted for no more than one year to a private non-profit agency which has been previously approved by one of the State Departments to provide contractual services related to the needs of individuals who are handicapped, disabled, or elderly and now eligible to reside in an Independent Group Residence under 24 CFR 882.
- D. Proof of said legal authorization in the case of a public agency or of said contractual services approval in the case of a private agency shall be furnished to the Office on a form and by such reasonable time as is prescribed by the Office. Said form shall contain the following information:
1. The name and location of the Service Agency applicant.
  2. Proof of nonproprietary status in the case of a private agency.
  3. The name and qualifications of the Chief Administrative Officer.
  4. The citation of legal authorization to provide services to persons who are eligible to reside in an Independent Group Residence in the case of a public agency.
  5. A copy of approval to provide said contractual services by one of the state departments, in the case of a private non-profit agency.
  6. Such other pertinent information as may be required by the Office for the proper administration of this rule.

**R20-1-204. Independent Group Residence**

- A. Pursuant to 24 CFR 882 the Office shall license, certify, or otherwise approve in writing those facilities intended for use as IGR facilities to insure that they are appropriate to the needs of the residents, provided that they meet the standards set forth in subsections (B), (C), and (D) below.
- B. Facilities intended for use as IGR facilities shall meet the Housing Quality Standards for IGR as set forth in 24 CFR 882.
- C. Proof of certification by the Public Housing Agency of compliance with said Housing Quality Standards shall be furnished to the Office by the Service Agency.

- D. To insure that the facility is appropriate to the needs of the residents, the Service Agency shall provide documentation to the Office as to how the physical properties of the facility meet the needs identified in the Needs Assessment.
- E. Facilities' compliance with these standards shall be reviewed individually for each new or revised Service Agreement submitted and then at least annually for each individual Service Agreement.

**R20-1-205. Supportive Services Plan**

- A. Pursuant to 24 CFR 882.109, a planned program of supportive services which is appropriate to the needs of individual IGR Residents shall be determined by the Service Agency and shall be incorporated into the Service Agreement.
- B. Individual supportive services plans for each IGR Resident shall include the following:
1. An individual needs assessment.
  2. A description of the method by which each need shall be addressed, including the kind and frequency of services and the names of primary service providers.
  3. A description of the method which shall be used to evaluate the provision of services and overall plan.
- C. The program of supportive services shall be subject to ongoing monitoring and enforcement by the Office. To assist the Office in the effective execution of its responsibilities, the Service Agency shall provide the Office with quarterly reports of the type and frequency of the services provided to individual IGR residents. The Office may also request reports which monitor the provision of services from the Public Housing Agency.

**R20-1-206. Service Agreement**

- A. Pursuant to 24 CFR 882.109, a written Service Agreement shall be submitted by the Service Agency to the Office for approval prior to execution of the Lease Agreement.
- B. The Service Agreement shall include the following information:
1. The Supportive Services Plan.
  2. All previously listed documentation related to compliance with Independent Group Residence Standards (R20-1-204).
  3. Such other pertinent information as may be required by the Office.
- C. Upon receipt of the Service Agreement, the Office shall undertake a study to determine compliance with standards set forth here. The Office may request staff of other governmental agencies to make inspections or investigations to determine if the applicant meets standards of the Office.
- D. Within a reasonable time, the Office shall convene the Inter-Agency IGR Committee for purposes of review and shall approve or disapprove the Service Agreement. The Office may accept or reject the recommendations of the Committee. Service Agreements shall be approved for no more than a period of one year.

NOTICE OF FINAL RULEMAKING

TITLE 20. COMMERCE, BANKING, AND INSURANCE

CHAPTER 2. DEPARTMENT OF WEIGHTS AND MEASURES

PREAMBLE

<u>1. Sections Affected</u>	<u>Rulemaking Action</u>
R20-2-101	Amend
R20-2-102	Repeal
R20-2-102	Renumber
R20-2-102	Amend
R20-2-103	Repeal
R20-2-103	Renumber
R20-2-103	Amend
R20-2-104	Renumber
R20-2-104	Amend
R20-2-105	Renumber
R20-2-105	Amend
R20-2-106	Renumber
R20-2-106	Amend
R20-2-107	Repeal
R20-2-107	New Section
R20-2-108	Renumber
R20-2-108	New Section
Table 1	New Table
R20-2-109	Renumber
R20-2-109	New Section
R20-2-110	Renumber
R20-2-110	Amend
R20-2-111	Repeal
R20-2-112	Repeal
R20-2-113	Renumber
R20-2-113	Amend
R20-2-114	Repeal
Article 2	Amend
R20-2-201	Repeal
R20-2-201	New Section
R20-2-202	Renumber
R20-2-202	New Section
R20-2-203	Renumber
R20-2-203	Amend
R20-2-204	Renumber
R20-2-204	Amend
Article 3	Amend
R20-2-301	Amend
R20-2-302	Repeal
R20-2-302	New Section
R20-2-303	Repeal
R20-2-304	Repeal
R20-2-305	Repeal
R20-2-306	Repeal
R20-2-307	Repeal
R20-2-308	Repeal
R20-2-309	Repeal
R20-2-310	Repeal
R20-2-311	Repeal
R20-2-312	Repeal
R20-2-313	Repeal
Article 4	Repeal
R20-2-401	Repeal
R20-2-402	Repeal
R20-2-403	Repeal
R20-2-404	Repeal

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R20-2-405	Repeal
R20-2-406	Repeal
R20-2-407	Repeal
R20-2-408	Repeal
R20-2-409	Repeal
R20-2-410	Repeal
R20-2-411	Repeal
R20-2-412	Repeal
R20-2-501	Repeal
R20-2-501	New Section
R20-2-502	Renumber
R20-2-502	New Section
R20-2-503	Renumber
R20-2-503	New Section
R20-2-504	Renumber
R20-2-504	Amend
R20-2-505	Renumber
R20-2-505	Amend
R20-2-506	Renumber
R20-2-506	Amend
R20-2-507	Renumber
R20-2-507	Amend
Article 6	Amend
R20-2-601	Amend
R20-2-602	Amend
R20-2-603	Amend
R20-2-604	Amend
Article 8	Repeal
R20-2-801	Repeal
R20-2-802	Repeal
R20-2-803	Repeal
R20-2-804	Repeal
R20-2-805	Repeal
R20-2-806	Repeal
R20-2-807	Repeal
R20-2-809	Repeal
R20-2-810	Repeal
R20-2-811	Repeal
R20-2-812	Repeal
R20-2-901	Repeal
R20-2-901	Renumber
R20-2-901	Amend
R20-2-902	Renumber
R20-2-902	Amend
R20-2-903	Renumber
R20-2-903	Amend
R20-2-904	Renumber
R20-2-904	Amend
R20-2-905	Renumber
R20-2-905	New Section
R20-2-906	Renumber
R20-2-906	New Section
R20-2-907	Renumber
R20-2-907	Amend
R20-2-908	Renumber
R20-2-908	Amend
R20-2-909	Renumber
R20-2-909	Amend
R20-2-910	Renumber
R20-2-910	Amend
R20-2-911	New Section
R20-2-912	Renumber
R20-2-912	Amend

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**2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 41-2065(A)(4)

Implementing statutes: A.R.S. §§ 41-1072, et seq., 41-2051, 41-2064, 41-2065, 41-2066, 41-2067, 41-2091, 41-2092, 41-2093, 41-2094, 41-2111, 41-2112, 41-2113, 41-2132, and 41-2134, Laws 1996, Ch. 258, § 11, Laws 1997, Ch. 117, § 3, as amended by SB 1028 - 432R - C.Ver.

**3. The effective date of the rules:**

October 8, 1998

**4. A list of all previous notices appearing in the Register addressing the final rules:**

Notice of Rulemaking Docket Opening: 3 A.A.R. 678, February 28, 1997.

Supplemental Docket Opening: 4 A.A.R. 935, April 17, 1998.

Notice of Proposed: Rulemaking 4 A.A.R. 1753, July 10, 1998.

**5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Dennis Ehrhart or Sandy Williams

Address: 9545 East Doubletree Ranch Road  
Scottsdale, Arizona 85258

Telephone: (602) 255-5211

Fax: (602) 255-1950

**6. An explanation of the rule, including the agency's reasons for initiating the rule:**

These rules codify existing practice. These changes will benefit the industry, the public, and the Department by being shorter and easier to understand. The circumstances leading to the Department's long-term effort to amend its rules include: (1) the need to have them be more clear, concise, and understandable; (2) the fact that requirements for commercial devices and for packaging, labeling, and method of sale are stated in federal publications, eliminating the need for this information to be repeated in rules; (3) the fact that legislative changes require all agencies that issue licenses to enact time-frame rules pertaining to this process; (4) the need to add a rule pertaining to administrative enforcement of vapor recovery systems; (5) the need to clarify the qualifications and duties of public weighmasters; (6) the need to clarify the roles of registered service agencies and registered service representatives, and their qualifications and duties; and (7) the need to amend the gasoline vapor control rules.

These rules move the definitions from individual articles to Article I, and some definitions have been revised relating to Department rejection tags and the adoption of the latest NIST/NCWM handbooks. The rules also incorporate references to Handbooks 44, 130, and 133. These rules provide amendments regarding public weighing, weight certificates, and that a seal of authority must be maintained at each scale location.

These rules clarify the application and qualification process and duties for registered service agencies and representatives. These rules clarify the use of an administrative order when a stop-sale/stop-use tag is issued. These rules also include a new rule to incorporate the current practice of placing a stop use tag on a vapor recovery system that is in violation of the Department's statutes or rules, and the use of a warning tag when there is a violation, but the system remains in use. The rules establish time-frames for the administrative and substantive review and decision making regarding all license applications. The rules amend existing language for clarification, repeal obsolete language, and add a rule for the administrative hearing process. The rules also incorporate CARB test procedures, amend the application process for an authority to construct, and amend the inspection and testing rules for the gasoline vapor control.

**7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

**8. The summary of the economic, small business, and consumer impact:**

For the majority of rule amendments, there is minimal, or no, impact because the rules are being clarified, incorporating procedures that are already in place, or are being repealed. Many changes codify national standards in rule. This provides for uniformity across state lines, which is a benefit to the regulated industry and consumers.

A change involving minimal impact is the repeal of rules setting the weighmaster license fee at \$40.00, and the registered service agency fee at \$20.00. With the repeal of these rules, these fees will rise to the statutory maximum of \$48.00 and \$24.00, respectively.

The new requirement of time-frames for testing gasoline vapor recovery systems may require the operator of a testing site to pay another testing fee if the operator is not prepared for the Department's scheduled testing. Previously, however, the site would have been closed until testing could be completed. Therefore, it benefits the operator to pay another testing fee and stay open until prepared for testing. Costs incurred to operators if testing results are not satisfactory could be high; however, the consumer protection benefit of assuring that all gasoline suppliers have proper vapor recovery systems outweighs this cost. Moreover, this cost cannot accurately be quantified because it could range from the need to replace a minor hose to closing a gas station if there are serious compliance problems.

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Another change that may have a minimal to moderate impact is the requirement that a registered service representative must pass a test before being licensed, because small companies with only one representative cannot operate until the test is passed. However, this impact is overshadowed by the need to have knowledgeable representatives calibrate weighing devices for the benefit of consumers who purchase goods based on weight. This impact also is outweighed by the anticipated reduction in problems uncovered during Department inspections.

**9. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable): The following changes were made.**

Changes were made throughout the rule package to make the rules more grammatically correct, clear, concise and understandable. The following changes also were made.

R20-2-101 (39): The definition of "vapor-tight" was eliminated because of a written comment that the proposed definition was not understandable. This led to an amendment of the proposed rule in which "vapor-tight" was used (R20-2-907(B)).

R20-2-905(B): Proposed language: If an owner cancels an inspection test or fails to notify the Department of the cancellation the Department shall deem the test failed.

Final language: If an owner or operator cancels an inspection test, the owner or operator shall reschedule the inspection test to a date before the annual inspection date or the Department's scheduled deadline for corrective action, whichever applies.

R20-2-906(B)(3): Proposed language: Upon arrival at the scheduled facility or at any time during the testing process, the Department determines that the facility is not ready to test or cannot complete the test because of inadequate, or improperly installed or maintained equipment or inadequate vapor space in storage tanks; or

Final language: Within 30 minutes of arrival at the scheduled facility, the Department determines that the facility is not ready to test or cannot complete the test because of inadequate, or improperly installed or maintained equipment or inadequate vapor space in storage tanks; or

R20-2-907(B): Proposed language: The owner or operator of a stage II vapor recovery system and associated components shall be operated and maintained operate the system and associated components in a vapor-tight and leak-free condition, in compliance with the manufacturer's specifications, and shall otherwise be maintained maintain the system and associated components in good working condition.

Final language: The owner or operator shall operate a stage II vapor recovery system and associated components in compliance with CARB certification for that system, and these rules.

R20-2-908(B): Proposed language: Decals shall be located on each face of the dispenser and within 1 foot of the dispenser cost and gallon readout.

Final language: Decals shall be located on the upper 60% of each face of the dispenser.

**10. A summary of the principal comments and the agency response to them:**

On March 23, 1998, the Department mailed a notice to the regulated community (those governed by the Registered Service Agency, Public Weighmaster, Retail, and Vapor Recovery System rules), actively soliciting comments from these various groups. This notice detailed the rule numbers, titles, and a description of the rulemaking action, and requested suggestions, comments, and questions. No comments or questions were received in response to this notice.

Three written comments were received. In an August 28, 1997, letter from Holsum Bakery, Inc., Holsum requested that the rule concerning how bread loaves are weighed remain the same (Article 3). Currently, bread loaves must be packaged in weights of 16 oz., 24 oz., or multiples thereof. The proposed rule removes this requirement, and requires packaging to follow Handbook 130, which permits bread to be packaged and sold by any weight. Holsum believes that this change will cause difficulty for consumers who are used to uniform bread weights. Holsum also believes that this change will cause a significant cost to bakers to buy additional bread pans (to remain competitive), and adding unit price information on packaging.

The Department's response is that Handbook 130 requirements must be adopted so that the industry is following a national standard, rather than a unique Arizona standard. The Handbook 130 standards have been created with significant input from consumers, government, and industry. There is no consumer confusion because the cost of bread will be by weight, and grocery store shelf labels provide the per ounce price so that consumers can compare prices. Holsum will not have to purchase additional bread pans unless it so desires. It can continue to package and label bread as it has -- it is just not limited to doing so. Two other companies in Arizona prefer the option of packaging bread by any weight, not being limited to 16 oz., 24 oz., or multiples thereof.

The second written comment received was a July 30, 1998, letter from the National Air Transportation Association (NATA), requesting that the Department adopt a rule that places a moratorium on the enforcement of one of the Handbook 44 requirements (ticket printer installation in vehicle tank metering systems, including aviation fuel trucks). The Department's response is that its statutes require compliance with Handbook 44, and the Department has no legal authority to create an exemption in rule from enforcing any of Handbook 44's provisions. NATA has petitioned the national organization that issues Handbook 44 for an aviation exemption.

The third written comment received was an August 10, 1998, letter from the Western States Petroleum Association (WSPA) commenting on seven of the proposed rules. WSPA did not believe that the R20-2-101(39) definition of "vapor-tight" was



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understandable. The Department's response is, "We have eliminated the definition of vapor tight." R20-2-907(B), which contained the word "vapor-tight" was amended so that this word is not used. WSPA also commented on the Department's required test method for pressure-decay testing of vapor recovery systems (R20-2-901(3)). The Department's response is, "The rule package does have an approved pressure-decay testing method indicated in the EPA Technical Guidance - Stage II Vapor Recovery Systems for Control Vehicle Refueling Emissions at Gasoline Dispensing Facilities, Appendix J.5 (San Diego Test Procedure TP91-1). We recognize that WSPA would prefer the CARB 2 pressure-decay test; however, the Department's vapor recovery program was modeled after San Diego's program and we continue to favor their position on the 10" pressure-decay test."

WSPA was concerned about the Department's requirements regarding the certification of fittings, assemblies, and components in R20-2-903(B). The Department's response is, "CARB allows districts the option of approving (or disapproving) various fittings, assemblies or components recognized within CARB-approved systems. The Department follows this same process to limit certain fittings, assemblies or components. We don't feel that this is a duplicative effort, but provides an option to disallow something that has been shown to be problematic. A recent case in point is the Dresser-Wayne Dispenser DL390. We will be happy to disseminate information to stakeholders regarding fittings, assemblies or components that have been disallowed for cause." Having so responded, the Department wanted to assure that the Department does not have a second approval process in addition to the CARB certification process. Therefore, R20-2-903(A) was amended to clarify that the Department would only disallow a fitting, assembly or component for use in Arizona if Department inspection or test data shows a deficiency that cannot be permanently corrected.

WSPA commented that the cancellation of inspection tests (R20-2-905(B)) should not be considered a failed test for which a reinspection fee is charged. The Department's response is, "We agree with your position and will not be charging reinspection fees for canceled appointments." The rule language was revised to delete language that considered a canceled test a failed test. Therefore, no reinspection fee would be charged. The Department further stated that it, "... [p]lans on increasing its communication of the annual date so that the owner/operator is well aware of the need to schedule an appointment and has adequate time to do so. In addition, reinspection deadline dates are recorded on the permit to operate, enforcement tag or administrative order."

WSPA also was concerned about the timing of the Department's determination that a facility is not ready to be tested (R20-2-906(B)(3)). The Department's response is, "Although this proposed rule lists the reasons upon which the Department may make this determination, we have adopted your recommendation to establish a specified period." The Department amended this rule to put a 30 minute time limit on the Department making this determination.

WSPA's next comment related to the Department's requirement of where the Department's telephone number sticker should be placed on gas dispensers (R20-2-908(B)). The Department's response is, "Although we recognize the variety and number of required dispense labels, they still need to be visible to the customer. Therefore, we insist that a label be placed on the face of each dispense but are willing to allow placement anywhere on the upper 60% of the dispenser." The Department amended this rule language accordingly, to closely conform to oxygenated fuel labeling requirements.

Last, WSPA commented on the requirement of compliance inspections and possible testing requirements that may result (R20-2-911). The Department's response is, "... [c]ompliance inspections do not require a testing contractor or the closure of the facility. The Arizona Legislature directed the Department though additional statutory language and a corresponding appropriation to conduct compliance inspections, at least annually, in addition to annual tests. The inspection includes a visual examination of the system hardware and daily logs as well as limited testing performed by Department inspectors. Should the site fail a compliance inspection in an area that would warrant a test normally performed by a contractor, then the Department has the authority to require one. ... it is our intent to only visit a site for the annual test and compliance inspection unless a complaint is received or the site fails inspection. Should a site be chronically non-compliant, strong enforcement action would hopefully eliminate the problem."

Although not legally required to, the Department held a public comment hearing in an attempt to receive further input. Four people, other than agency personnel, attended, representing Equilon (Shell and Texaco); Tosco (parent company for Circle K, Exxon, etc.; and Tanknology (testing contractor). Comments received were: (1) the rules codify existing practice, (2) they agreed with the rules and had no suggested changes, and (3) felt that the rules were easy to understand.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**  
None.

**12. Incorporations by reference and their location in the rules:**

R20-2-101: NIST Handbook 44, *Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices*, 1998 Edition; NIST Handbook 130, *Uniform Laws and Regulations*, 1998 Edition; NBS Handbook 133, third edition, *Checking the Net Contents of Packaged Goods*, including supplements 1, 2 and 3 issued September 1988; and NIST Handbook 133, third edition, *Checking the Net Contents of Packaged Goods*, including supplement 4 issued October 1994. All four publications are published by the Government Printing Office, Superintendent of Documents, Mail Stop: SSOP, Washington, D.C. 20402-9328.

R20-2-901:

-Appendix J.5, *Technical Guidance -- Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities*, Vol. II: Appendices, November 1991 edition (EPA-450/3-91-022b), U.S. Environmental Protection Agency, Office of Air Quality, Planning and Standards, Research Triangle Park, North Carolina 27711.

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-Arizona Department of Weights and Measures Vapor Recovery Test Procedure TP-WM-1, *Determination of Vapor Piping Connections to Underground Gasoline Storage Tanks* (Tie-Tank Test), April 1998, Arizona Department of Weights and Measures, 9545 E. Doubletree Ranch Road, Scottsdale, Arizona 85258.

-California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.4, *Determination of Dynamic Pressure Performance of Vapor Recovery Systems of Dispensing Facilities*, April 12, 1996; California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.5, *Determination (by Volume Meter) of Air to Liquid Volume Ratio of Vapor Recovery Systems of Dispensing Facilities*, April 12, 1996; California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.2C, *Determination of Spillage of Phase II Vapor Recovery Systems of Dispensing Facilities*, April 12, 1996; California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.6, *Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities*, April 12, 1996; and California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.2B, *Determination of Flow Versus Pressure for Equipment in Phase II Vapor Recovery Systems of Dispensing Facilities*, April 12, 1996. All 5 test procedures are published by the California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.

**13. Was this rule previously adopted as an emergency rule?**

No.

**14. The full text of the rules follows:**

**TITLE 20. COMMERCE, BANKING, AND INSURANCE**

**CHAPTER 2. DEPARTMENT OF WEIGHTS AND MEASURES**

**ARTICLE 1. ADMINISTRATION AND PROCEDURES**

**Section**

- R20-2-101. Definitions  
R20-2-102. Material Incorporated by Reference  
R20-2-103. Outside Consultation  
R20-2-105R20-2-102. Metrology Laboratory Testing and Calibration Fees  
R20-2-106R20-2-103. Certification Fees  
R20-2-107. Qualifications for Private Contractors  
R20-2-108R20-2-104. Administrative Enforcement Action Regarding Commercial Devices  
R20-2-109R20-2-105. Administrative Enforcement Action Regarding Short-Quantity Commodities  
R20-2-110R20-2-106. Administrative Enforcement Action Regarding Liquid Fuels  
R20-2-107. Administrative Enforcement Action Regarding Vapor Recovery Systems  
R20-2-111. Administrative Enforcement Action Regarding Used Oil  
R20-2-112. Forms Used in Enforcement Actions  
R20-2-108. Time-frames for Licenses, Renewals, and Authorities to Construct  
R20-2-109. Administrative Hearing Procedures  
R20-2-113R20-2-110. Motion for Rehearing or Review  
R20-2-114. Final Decision of the Department

**ARTICLE 2. WEIGHING AND MEASURING  
COMMERCIAL DEVICES**

- R20-2-201. Compliance with Regulations Concerning Devices  
R20-2-201. Licensing Process  
R20-2-202. Handbook 44  
R20-2-203R20-2-203. Approval, Installation, and Sale of Devices  
R20-2-203 R20-2-204. Livestock and Vehicle Scale Installation

**ARTICLE 3. PACKAGING, AND LABELING, AND  
METHOD OF SALE**

- R20-2-301. Definitions and Types of Commodities Application  
R20-2-302. Declaration of Identity and Responsibility  
R20-2-302. Handbook 130 and Handbook 133  
R20-2-303. Declaration of Quantity: Consumer Packages  
R20-2-304. Declaration of Quantity: Prescribed Units for Con-

sumer Packages According to Size, Bidimensional-ity or Count

- R20-2-305. Declaration of Quantity: Types and Units of Measure for Nonconsumer Packages  
R20-2-306. Prominence and Placement of Principal Display Panel and Type Size  
R20-2-307. Labeling Requirements for Specific Types of Consumer Packages  
R20-2-308. Textile Commodities: Prominence and Place of Display of Information  
R20-2-309. Prominence and Placement: Nonconsumer Packages  
R20-2-310. Labeling Polyethylene Commodities  
R20-2-311. Voluntary Open Dating and Pull Dating  
R20-2-312. Unit Pricing  
R20-2-313. Retail Sale Price Representation

**ARTICLE 4. METHOD OF SALE OF COMMODITIES**

- R20-2-401. Meat, Poultry and Seafood  
R20-2-402. Milk and Milk Products  
R20-2-403. Miscellaneous Food Commodities  
R20-2-404. Lumber  
R20-2-405. Roofing and Roofing Materials  
R20-2-406. Peat and Peat Moss  
R20-2-407. Prefabricated Utility Buildings  
R20-2-408. Fireplace and Stove Wood  
R20-2-409. Hay, Coal and Other Bulk Commodities  
R20-2-410. Miscellaneous Non-food Items  
R20-2-411. Vehicle Fluids  
R20-2-412. Vending Machines

**ARTICLE 5. PUBLIC WEIGHMASTERS**

- R20-2-501. Public Weighmaster  
R20-2-501. Qualifications: License and Renewal Application Process  
R20-2-502. Duties  
R20-2-503. Grounds for Denying License or Renewal; and Disciplinary Action  
R20-2-502R20-2-504. Scales and Vehicle Weighing  
R20-2-503R20-2-505. Weight Certificates  
R20-2-504R20-2-506. Seal of Authority  
R20-2-505R20-2-507. Prohibited Acts

**ARTICLE 6. REGISTERED SERVICE AGENCIES AND REPRESENTATIVES**

- R20-2-601. Registration of Service Representatives and Institution of Reciprocal Agreements Qualifications; License and Renewal Application Process; and Reciprocal Agreements
- R20-2-602. Qualifications and Duties of Registered Service Representatives
- R20-2-603. Certification of Registration Grounds for Denying License or Renewal; Disciplinary Action; and Certification of Standards and Testing Equipment
- R20-2-604. Prohibited Acts

**ARTICLE 8. USED OIL AND USED OIL FUEL**

- R20-2-801. Definitions
- R20-2-802. Material Incorporated by Reference
- R20-2-803. Fees
- R20-2-804. Inspection Procedures
- R20-2-805. Sampling Procedures
- R20-2-806. Test Methods and Outside Laboratory Test Method Documentation
- R20-2-807. Halogen Rebuttal Demonstration Procedure
- R20-2-809. Used Oil and Used Oil Fuel Tank and Container Labeling
- R20-2-810. Record Availability and Review Requirements
- R20-2-811. Burners who Treat Off-specification Used Oil Fuel to On-specification Used Oil Fuel Standards
- R20-2-812. Burners Who Burn Self-generated, On-specification, Used Oil Fuel

**ARTICLE 9. GASOLINE VAPOR CONTROL**

- R20-2-901. Definitions
- R20-2-902 Material Incorporated by Reference
- R20-2-903 Applicability Exemptions
- R20-2-904 Equipment and Installation
- R20-2-905 Plan Review and Approval Application Process for Authority to Construct
- R20-2-905. Inspection and Testing
- R20-2-906. Fees
- R20-2-906 Operation
- R20-2-907 Training and Public Education
- R20-2-908 Record keeping and Reporting
- R20-2-909 Annual Tests
- R20-2-911. Compliance Inspections
- R20-2-910 Enforcement

**ARTICLE 1. ADMINISTRATION AND PROCEDURES**

**R20-2-101. Definitions**

The following definitions, and definitions in A.R.S. §§ 41-2051, 41-2121, and 41-2131 shall apply to this Chapter, unless the context otherwise requires:

1. "ADEQ" means the Arizona Department of Environmental Quality.
2. "Administrative order" means a ~~stop-use, stop-sale, hold, or removal order~~ a DWM-53.
3. "Agent" means an official.
3. "Application" means, for purposes of R20-2-108, forms designated as applications and all documents and additional information the Department requires an applicant to submit with an application.
4. "ASTM" means American Society for Testing and Materials.
5. "CARB" means the California Air Resources Board.

6. "CARB certified" means, with respect to a vapor recovery system, that the system has been certified in an executive order of the CARB.
7. "Certified prover" means a calibrated device, traceable to the National Institute of Standards and Technology, used for measuring liquid volume.
8. "Completion of construction" means the point when a gasoline dispensing site is placed into or returned into service following installation or modification of an approved vapor recovery system.
9. "Construction commenced" means the point in time when construction of a gasoline dispensing site begins:
  - a. At a location where there was not one previously;
  - b. To replace all gasoline storage tanks; or
  - c. To replace, repair, or modify at least 75% of the facility's gasoline dispensing equipment.
10. "DWM-53" means a Department form that orders the stop-sale, stop-use, hold, or removal of commodities, devices, vapor recovery systems and components, and liquid fuels.
11. "EPA" means the United States Environmental Protection Agency.
12. "Gasoline vapors" means volatile organic compounds in a gaseous state.
613. "Handbook 44" means the edition of the United States Department of Commerce Technology Administration National Institute of Standards and Technology (NIST) Handbook 44, entitled Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices, adopted by the Department in R20-2-102 published by the United States Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328 (1998 edition and no later editions or amendments), incorporated by reference herein and on file with the Secretary of State.
14. "Handbook 130" means the United States Department of Commerce Technology Administration National Institute of Standards and Technology (NIST) Handbook 130, entitled Uniform Laws and Regulations, published by the Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328 (1998 edition and no later editions or amendments), incorporated by reference herein and on file with the Secretary of State.
15. "Handbook 133" means the United States Department of Commerce Technology Administration:
  - a. National Bureau of Standards (NBS) Handbook 133, third edition, entitled Checking the Net Contents of Packaged Goods, including supplements 1, 2, and 3 issued September 1988; and
  - b. National Institute of Standards and Technology (NIST) Handbook 133, third edition, entitled Checking The Net Contents of Packaged Goods, including supplement 4 issued October 1994.

These publications are incorporated by reference herein, are on file with the Secretary of State, and are published by the Government Printing Office, Superintendent of Documents, Mail Stop SSOP, Washington, D.C. 20402-9328.
716. "Hold order" means, with respect to any weight, measure, packaged commodity, bulk commodity, liquid fuel, or used oil, an administrative order requiring the owner, operator, distributor, manufacturer, licensee, bailee or consignee to keep any weight, measure, commod-

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- ity, liquid fuel, or used oil under its control and stored at its expense, pending further action a Department administrative order requiring an owner, operator, distributor, manufacturer, licensee, or consignee to keep any commercial device, commodity, or liquid fuel, under its control and stored at its expense, pending further Department action, because it does not meet the requirements of A.R.S. Title 41, Chapter 15, or these rules.
8. "Hold tag" means the tag used in conjunction with or as a hold, stop use or stop sale order and denotes that the weight, measure, commodity, liquid fuel, or used oil to which it applies is ordered held and cannot be disposed of without written authorization from an official of the Department.
  9. "Inch/pound system" means the U.S. customary system of measurement, based on the human foot and the U.S. customary system of avoirdupois weight, based on a pound of 16 ounces and an ounce of 16 drams.
  17. "Malfunction" means any failure of gasoline vapor recovery equipment to operate in the normal and usual manner.
  18. "Modification" means adding to, replacing, or upgrading a site's stage II vapor recovery system, but does not include the repair or replacement of like parts.
  19. "Monthly throughput" means the total amount of gasoline transferred into or dispensed from a gasoline dispensing site during 1 calendar month.
  20. "Motor vehicle" means any vehicle equipped with a spark-ignited internal combustion engine, except vehicles that run on or are guided by rails, and vehicles that are designed primarily for travel through air or water.
  10. "National Type Evaluation Program" means a program of cooperation between the National Institute of Standards and Technology, the National Conference on Weights and Measures, and the states having participating laboratories.
  21. "NIST" means the National Institute of Standards and Technology.
  22. "Offsale" means that a commodity has been removed from commercial sale.
  11. "Official" means the director, deputy director, supervisory staff, or inspectors of the Department.
  12. "Off-sale order" means a stop-sale, hold or removal order which removes from commercial sale any commodity which does not meet standards as set forth in A.R.S. Title 41, Chapter 15, or A.A.C. Title 4, Chapter 2.
  23. "Operator" means a person in control of, or having responsibility for, the daily operation of a gasoline dispensing site.
  1324. "Out-of-service tag" means the a red rejection tag used in conjunction with or as a stop use order and denotes that the device to which it applies may not be used commercially that signifies that a commercial device does not meet the requirements of A.R.S. Title 41, Chapter 15, or these rules, and that the owner or operator shall not use the device commercially until repaired.
  14. "Participating laboratory" means any State Measurement Laboratory that has been certified by the National Institute of Standards and Technology, in accordance with its program for the Certification of Capability of State Measurement Laboratories, to conduct a type evaluation under the National Type Evaluation Program.
  25. "Placed-in-service" means the certification by a registered service agency or representative that a commercial device may be used, unless the Department orders otherwise.
  26. "Placed-In-Service Report" means the form that a registered service representative completes and submits to the Department after placing a commercial device in service.
  27. "Product transfer document" means the bill of lading, loading ticket, manifest, delivery receipt, invoice, or other customarily used documentation to denote delivery information for motor fuel.
  1528. "Removal order" means with respect to any weight, measure, packaged commodity, bulk commodity, liquid fuel, or used oil, an administrative order requiring the respective item or commodity to be removed from use or sale, or availability for use or sale, and to be disposed of in accordance with Department authorization a Department administrative order requiring the owner, operator, distributor, manufacturer, licensee, or consignee to remove from use or sale, and dispose of a commercial device, commodity, liquid fuel, or vapor recovery component because it does not meet the requirements of A.R.S. Title 41, Chapter 15, or these rules.
  16. "Restricted-use tag" means the yellow rejection tag used to notify the public the device to which it applies is not in total compliance with technical requirements of A.R.S. Title 41, Chapter 15, A.A.C. Title 4, Chapter 2, or Handbook 44, and shall not remain in commercial use without being repaired or otherwise corrected within the time allowed.
  29. "Retail" means the sale of a commodity to a consumer for profit by someone in the business of selling the commodity.
  30. "Seal of authority" means a stamp or press of the Department's official mark, issued to a public weighmaster, certifying the weighmaster's authority to issue weight certificates.
  1731. "Seizure" means the taking into physical possession, or otherwise securing for evidence, a commodity, liquid fuel, weight, measure, or a weighing or measuring commercial device, or component of a device by an the Department official of the Department.
  1832. "Stop-sale order" means, with respect to any packaged commodity, bulk commodity, liquid fuel, or used oil, an administrative order to stop the sale of such the commodity, fuel or used oil a Department administrative order requiring the owner, operator, distributor, manufacturer, licensee, or consignee to stop selling a commodity or liquid fuel, because it does not meet the requirements of A.R.S. Title 41, Chapter 15, or these rules.
  1933. "Stop-sale, stop-use tag" means the tag used in conjunction with an administrative order which, when affixed, seals or closes the equipment, tank, or container and prohibits the sale or use of the product to which it applies a blue tag that signifies that an owner or operator shall not sell or use a commercial device, including a vapor recovery system component, commodity, or liquid fuel, because it does not meet the requirements of A.R.S. Title 41, Chapter 15, or these rules.
  2034. "Stop-use order" means with respect to any weight, measure, liquid fuel, or used oil, an administrative order prohibiting use until such time as the weight, measure, fuel or used oil can be made suitable for use a Department administrative order requiring the owner, operator,

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distributor, manufacturer, licensee, or consignee to prohibit the use of any commercial device, commodity, liquid fuel, or vapor recovery system, including any of its components, until the weight, measure, fuel, or vapor recovery system complies with the requirements of A.R.S. Title 41, Chapter 15 and these rules.

21. "Sufficient application" means a completed application for a device license, or an annual renewal of a device license, accompanied by the appropriate fees, including penalty if applicable.
35. "Underground storage tank" means a tank as described in A.R.S. § 49-1001(18).
36. "Unit" means a quantity adopted as a standard of measurement.
2237. "Unlicensed device Unlicensed-device tag" means the an orange tag used in conjunction with or as a stop-use order and denotes that the instrument or device to which it applies is unlicensed and is not to be used commercially that signifies that an owner or operator shall not use the commercial device until all licensing requirements of A.R.S. Title 41, Chapter 15, and these rules are met.
38. "Warning tag" means a yellow tag that signifies a commercial device does not comply with the requirements of A.R.S. Title 41, Chapter 15, or these rules, and the device may only be used within the period specified on the tag for repair, but not thereafter unless the device is in compliance with A.R.S. Title 41, Chapter 15 and these rules.
39. "Weight certificate" means a document, issued by a public weighmaster in a form approved by the Department, that certifies the accuracy of the weight of the commodity measured.

**R20-2-102. Material incorporated by reference**

As required by A.R.S. § 41-2064, the specifications, tolerances, and other technical requirements for commercial weighing and measuring devices shall be pursuant to the 1992 edition of NIST Handbook 44, subtitled *Specifications, Tolerances and Other Technical Requirements for Weighing and Measuring Devices* as adopted by the 76th National Conference on Weights and Measures, 1991, and published by the United States Department of Commerce, National Institute of Standards and Technology, formerly the National Bureau of Standards, which is incorporated herein by reference and on file with the Office of the Secretary of State. This rule does not include any later amendments or editions of Handbook 44. Copies of Handbook 44 are available from the Department and from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

**R20-2-105R20-2-102. Metrology Laboratory Testing and Calibration Fees**

- A. The following shall govern the fees to be charged for tests or calibrations. The Department shall charge \$40.00 an hour, with a minimum charge of \$24.00, for work performed by the Department's Metrology Laboratory.
1. A fee of \$40 an hour shall be paid to the Department for tests or calibrations performed by the Metrology Laboratory.
2. A minimum fee of \$24 shall be paid to the Department for any test or calibration performed by the Metrology Laboratory.
- 3B. Tests or calibrations conducted outside the Metrology Laboratory shall be at the rate set forth in paragraphs (1) and (2) of this Section. Travel In addition to the charges in subsection (A), the Department shall charge for travel and per diem shall

be charged at the rates established pursuant to by A.R.S. §§ 38-623(D) and 38-624(C) for tests or calibrations conducted outside the Metrology Laboratory.

**R20-2-103. Outside Consultation**

- A. Any person who desires assistance and consultation from the Department outside of the normal duties of an official shall make the request in writing and shall agree to reimburse the Department for the official's time and expense.
- B. Such assistance and consultation shall be at the discretion of the Director, and the amount of such reimbursement shall be determined by the Director.

**R20-2-106 R20-2-103. Certification Fees**

The fee for testing and certification of noncommercial devices and portable batch plant devices shall be the same as the fee as prescribed for licensing of like commercial devices as set forth listed in A.R.S. § 41-2092.

**R20-2-108 R20-2-104. Administrative Enforcement Action Regarding Commercial Devices**

**A. Warning tag.**

1. If an official determines The Department shall attach a warning tag to a commercial device if the device:
- a. does Does not comply with the standards as required by requirements of A.R.S. § 41-2062, the specifications, tolerances, and other technical requirements as required by A.R.S. § 41-2064 and Title 41, Chapter 15, Handbook 44, or A.A.C. R20-2-201 through R20-2-203 these rules; and it is
- b. Use of the device may harm not to the detriment of the buyer; public the official shall attach a yellow restricted-use tag.
- 1-2. The tag shall be affixed to the device in such a manner as to be seen by the in public view.
- 2-3. The tag shall contain the following information:
- a. A warning to the public notice that the device has been examined by the Department and has failed to comply with the standards of A.R.S. Title 41, Chapter 15, Handbook 44, or these rules ;
- b. The name of the business, the location, and fee code;
- c. A notice that it is unlawful to remove the tag;
- d. The date;
- e. A notice of the time allowed for repair; and
- f. A notice that if the device is not repaired within the time allowed for repair, it shall be placed out of service by the Department.
- 3-4. A person shall not remove A restricted-use a warning tag shall not be removed from a device without authorization from the Department.

**B. Out-of-service tag.**

1. If an official determines The Department shall attach an out-of-service tag to a commercial device if the device:
- a. does Does not comply with the standards as required by A.R.S. § 41-2062, the specifications, tolerances, and other technical requirements as required by A.R.S. § 41-2064 Title 41, Chapter 15, Handbook 44, or A.A.C. R20-2-201 through R20-2-203, these rules; and
- b. it is to the detriment of the buyer, Use of the device may harm the public; or if
- c. the The device has not been repaired as required in subsection (A) above, the official shall attach a red out-of-service tag.
- 1-2. The tag shall be affixed to the device in such a manner as to be seen by the in public view.

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- 2-3. The tag shall contain the following information:
- A notice to the public that the device has been examined by the Department and ~~has~~ failed to comply with the standards of A.R.S. Title 41, Chapter 15, Handbook 44, or these rules;
  - A notice to the public that a person shall not use the device is not to be used until repaired;
  - The name of the business, location, and fee code;
  - A notice that it is unlawful to remove the tag;
  - The date; and
  - A notice that failure to repair the device may subject it to seizure.

3-4. ~~An~~ A person shall not remove an out-of-service tag shall not be removed from a device without authorization of ~~from~~ the Department.

C. Unlicensed-device tag.

1. If an official determines ~~The Department shall attach an unlicensed-device tag to a commercial device if a valid license has not been procured for a commercial the device, the official shall attach an orange unlicensed device tag to such device pursuant to A.R.S. § 41-2111(A).~~

1-2. The tag shall be affixed to the device in such a manner as to be seen by the in public view.

2-3. The tag shall contain the following information:

- A notice ~~that~~ the device is unlicensed; and
- A notice ~~that a person shall not use the device is not to be used commercially for commercial purposes.~~

3-4. An unlicensed device ~~A person shall not remove an unlicensed-device tag shall not be removed from a device without authorization of from~~ the Department.

**R20-2-109 R20-2-105. Administrative Enforcement Action Regarding Short-Quantity Commodities**

A. If an official finds that a commodity ~~The Department shall order the hold, stop-sale, stop-use, or removal of any commodity that is short of the quantity stated or improperly labeled, the official shall order the entire lot off sale by issuance of issuing a DWM-53 stop-sale, stop-use, hold, remove order to the owner or consignee to the seller.~~

B. A hold stop-sale or stop-use tag may be affixed ~~shall be issued by the official Department to those commodities ordered off sale for which the Department has issued a DWM-53.~~

1. The hold tag shall be displayed in such a manner as to be seen by the in public view.

2. The tag shall contain the following information:

- A notice that the commodity has been ordered off sale; ~~of the order;~~
- A notice that a person shall not remove the tag shall not be removed or ~~dispose of~~ the commodity disposed of without authorization from a ~~the~~ Department official;
- Location ~~The location and identification of the commodity;~~
- Violation ~~A description of the violation;~~
- Name ~~The name of the Inspector. Department employee who affixed the tag; and~~
- The date.

C. Any commodity which has been ordered off sale shall not be exposed for sale except under the following circumstances ~~Any owner, wholesaler, or retailer shall not sell any commodity for which a DWM-53 has been issued without the Department's written authorization to:~~

- The owner, wholesaler or retailer may be authorized to separate these ~~Separate the goods which that~~ are at or

more than their represented quantity from the off-sale ~~tagged~~ lot and return those qualified goods for sale.

2. The owner, wholesaler or retailer may be authorized to sell ~~Sell the commodity provided it can be brought up to the represented quantity.~~

3. Short quantity items may be relabeled at their quantity and sold ~~Relabel the commodity at its actual quantity.~~

4. Short quantity items may be sold with notices ~~Place a notice on the commodity of the violation and adjust the price accordingly adjustment when authorized by a Department official.~~

5-D. A ~~The~~ Department official may provide written approve authorization of ~~any the disposition of an off-sale a tagged commodity provided the disposition is it does not in conflict with A.R.S. Title 41, Chapter 15, or A.A.C. Title 4, Chapter 2 these rules.~~

6-E. Any disposition authorized by a ~~the~~ Department official shall be recorded on the DWM-53 stop-sale, stop-use, hold, remove order form.

**R20-2-110 R20-2-106. Administrative Enforcement Action Regarding Liquid Fuels**

A. If an official ~~the~~ Department finds that a liquid fuel fails to meet ~~the~~ requirements as set forth in of A.R.S. Title 41, Chapter 15, and or A.A.C. Title 4, Chapter 2 ~~these rules, the official Department shall order the hold, stop-sale, or stop-use of the liquid fuel off sale by issuance of by issuing a DWM-53 stop-sale, stop-use, hold, or remove order to the owner or consignee.~~

B. A stop-sale, stop-use tag may be affixed by the official ~~Department to a storage devices vessel containing the liquid fuel ordered off sale.~~

1. The stop-sale, stop-use ~~Department~~ tag shall be attached ~~attach the tag to the storage tank fill cap and dispenser where the liquid fuel is stored and dispensed.~~

2. The stop-sale, stop-use tag shall contain the following information:

- A notice that the liquid fuel has been prohibited from sale or use;
- A notice that the liquid fuel is not to be disposed of without written authorization from a ~~the~~ Department official;
- Location ~~The location and identification of the liquid fuel;~~
- Identification of the liquid fuel.
- ~~ed. Brand The brand name of the fuel;~~
- ~~fe. Number The number of containers;~~
- Marked contents.
- Other identification.
- ~~if. Violation A description of the violation;~~
- ~~ig. Name The name of official: the Department employee who affixed the tag; and~~
- ~~kh. Date The date.~~

C. Any ~~A person shall not sell or use liquid fuel which that has been ordered off sale issued a DWM-53 shall not be exposed for sale except under the following circumstances:~~

1. The Department may authorize the owner, wholesaler, or retailer may be authorized to sell the liquid fuel provided it can be brought up to:

- It can be brought up to represented ~~Represented quality; and~~
- It can be brought up to specifications set forth ~~Specifications in A.R.S. Title 41, Chapter 15, or A.A.C. Title 4, Chapter 2 and these rules.~~

2. A ~~The~~ Department official may provide written authorization approve of any ~~the~~ disposition of an off-sale com-



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modity liquid fuel issued a DWM-53 provided the disposition is does not in conflict with A.R.S. Title 41, Chapter 15, or A.A.C. Title 4, Chapter 2 these rules.

3. ~~Any disposition authorized by a Department official shall be recorded on the DWM-53 stop-sale, stop-use, hold, remove order form.~~
- D. If an official finds that the liquid fuel cannot be brought up to represented quality or meet specifications for a particular area, pursuant to A.R.S. Title 41, Chapter 15, or A.A.C. Title 4, Chapter 2, the official shall order the liquid fuel removed by issuance of a DWM-53 stop-sale, stop-use, hold, remove order to the owner or consignee. The Department shall record the disposition of a non-compliant commodity on the DWM-53. A The Department official may authorize the liquid fuel for which a DWM-53 has been issued to be removed:
1. To a facility capable of rebinding or refining;
  2. To another area within the state if specifications of that area can be met; or
  3. Outside the state.
  4. ~~Any disposition authorized by a the Department official shall be recorded on the DWM-53 stop-sale, stop-use, hold, remove order form.~~

**R20-2-107. Qualifications for Private Contractors**

- A. A person who provides petroleum products testing services for the Department pursuant to A.R.S. § 41-2065(E) shall meet all the following minimum qualifications and requirements and in addition shall comply with all the testing and sampling requirements established in R20-2-701, R20-2-716, R20-2-717, R20-2-801, R20-2-804, and R20-2-805:-
1. ~~Shall have been continuous operation for one year prior to the submission of a proposal in the business of providing chemical and physical analyses of petroleum products, including liquid, motor, and used oil fuels;~~
  2. ~~Shall have a testing program manager responsible for supervising petroleum products testing conducted. The testing program manager shall possess a minimum of a Bachelor's degree in chemistry, petroleum chemistry, or petroleum engineering. In addition, the testing program manager shall have two years' experience in the analysis of petroleum products. Other personnel conducting tests must have either a Bachelor's degree in chemistry, petroleum chemistry, or petroleum engineering or one year's experience in the analysis of petroleum products;~~
  3. ~~Shall have a quality assurance and quality control system/program that practices, incorporates, and is in accordance with guidelines established in EPA SW 846, Third Edition, November 1986, EPA Test Methods for Evaluating Solid Waste, Volume IA, IB, IC, II: Laboratory Manual, Physical/Chemical Methods, and no further additions or amendments, incorporated herein by reference and on file with the Secretary of State's Office and the Department;~~
  4. ~~Shall have current membership in a regional petroleum exchange group or in the American Society for Testing and Materials National Exchange Group (NEG), with active participation in group forums and round robin testing;~~
  5. ~~Shall comply with all federal, state, and local certification and licensing requirements for commercial, environmental, and petroleum testing laboratories;~~
  6. ~~Shall comply with all federal, state, and local building codes to conduct commercial, environmental, or petroleum testing;~~
  7. ~~Shall have testing equipment necessary to conduct petroleum products testing in accordance with test meth-~~

~~ods and sampling procedures established and required in R20-2-702, R20-2-716, R20-2-717, R20-2-802, R20-2-805, and R20-2-806.~~

- B. A person desiring to submit offers to provide testing services for the Department pursuant to A.R.S. § 41-2065(E) shall submit the following documentation to the Department:
1. ~~The names, qualification, and experience background of all personnel directly involved in conducting those duties called for on the contract solicitation. Such qualifications and experience shall be directly related to the job duties involved in meeting the requirements of the proposed contract;~~
  2. ~~A description of all appropriate technical equipment that will be utilized in the performance of the proposed contract. The description shall include the name, model, date of manufacture, applicable date of last certification, and name of last certifier;~~
  3. ~~The names and addresses of clients for whom services have been performed similar to those called for in the proposed contract. Services must have been rendered during the 12 months prior to the proposal;~~
  4. ~~A statement attesting that the firm and those personnel who will be involved in the performance of the proposed contract have a working knowledge of the requirements of the applicable Arizona Revised Statutes and rules adopted by the Department;~~
  5. ~~Evidence of all appropriate licenses held by the person which are required to perform the service called for in the proposed contract.~~

**R20-2-107. Administrative Enforcement Action Regarding Vapor Recovery Systems**

**A. Stop-Sale, Stop-Use Tag**

1. If the Department finds that a vapor recovery system or any component fails to meet the requirements set forth in A.R.S. Title 41, Chapter 15, or these rules, the Department shall order the stop-sale, stop-use of the vapor recovery system by issuing a DWM-53.
2. A stop-sale, stop-use tag may be affixed by the Department to a vapor recovery system.
  - a. The Department shall attach the tag to the noncompliant component in public view.
  - b. The tag shall contain the following information:
    - i. A notice that the vapor recovery system has been prohibited from use.
    - ii. The location and identification of the vapor recovery system.
    - iii. A notice that it is unlawful to remove the tag without Department authorization.
    - iv. A description of the violation.
    - iv. The name of the Department employee who affixed the tag.
    - v. The date.
3. A person shall not use a vapor recovery system issued a DWM-53 to dispense liquid fuel for commercial purposes.

**B. Warning Tag**

1. The Department shall attach a warning tag to a vapor recovery system or any of its components if the system or components:
  - a. Do not comply with the requirements of A.R.S. Title 41, Chapter 15, CARB certifications that apply to the system, or these rules; and
  - b. The use of the vapor recovery system will not harm the public.

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2. The Department shall affix the tag to the noncompliant component in public view.
3. The tag shall contain the following information:
  - a. Notice that the Department has examined the system and the system fails to comply with Title 41, Chapter 15, CARB certifications that apply to the system, or these rules;
  - b. The name of the business and location;
  - c. A notice that it is unlawful to remove the tag without Department authorization;
  - d. The date;
  - e. A notice of the time allowed for the repair; and
  - f. A notice that if the system is not repaired within the required time, the Department shall issue a stop-sale, stop-use tag.

**R20-2-111: Administrative Enforcement Action Regarding Used Oil**

- A. If an official finds that used oil or used oil fuel is not in compliance with A.R.S. Title 41, Chapter 15; Title 49, Chapter 4, Article 7; or this Chapter, the official shall issue to the generator, transporter, marketer, or burner a DWM-53 stop-sale, stop-use, hold, or remove order, pursuant to A.R.S. §§ 41-2065(F) and 41-2066(A)(2).
- B. When a DWM-53 stop-sale, stop-use, hold, or remove order is issued, a stop-sale, stop-use tag may be affixed by the official Department to the device, tank, container, vehicle, or storage facility involved:
  1. The stop-sale, stop-use tag shall be attached to the device, tank, container, vehicle, or storage facility in such a manner as to be seen by the public or any individual on the premises near the used oil product or equipment.
  2. The stop-sale, stop-use tag shall contain the following information:
    - a. A notice the product has been prohibited from sale or use;
    - b. A notice the product is not to be disposed of without authorization from a Department official;
    - c. Location of the product;
    - d. Identification of the product;
    - e. Brand name;
    - f. Number of containers;
    - g. Marked contents;
    - h. Other identification;
    - i. Violation;

- j. Name of official;
- k. Date.

- C. The ADEQ director or designee shall be notified pursuant to A.R.S. § 41-2066 by the Department, through transmittal of the DWM-53 stop-sale, stop-use, hold, or remove order, and inspection and test reports, that a generator, transporter, marketer, or burner of used oil has been issued an administrative order.
- D. Any used oil generator, transporter, marketer, or burner who has been issued an administrative order pursuant to this Section shall not expose the used oil product for sale or use until the product is released for sale, use, or removal by the Department and shall:
  1. During normal working hours and within three working days of issuance of the administrative order, notify the Department and ADEQ of the method that will be utilized to correct the violation. If verbal notice is given, written notice shall be delivered to the Department within five working days of issuance of the administrative order.
  2. After method of correction of violation has been approved, schedule an appointment with a Department official to return to the location where the used oil is being held. If the violation is corrected, the administrative order shall be lifted and the stop-sale, stop-use tag removed.
- E. Any person who has been issued an administrative order pursuant to this Section may request an informal review of such order:
  1. The request shall be made in writing to the Director within ten working days of the date of the order.
  2. Notice of time and place of informal review shall be mailed to requestor at least five working days prior to the informal review.
  3. Disposition of informal review shall be mailed to requestor within ten working days after conclusion of informal review.
- F. A request for a hearing to lift an administrative order shall be made in writing to the Director within 30 days of the date of the order or disposition of the informal review.

**R20-2-112: Forms Used in Enforcement Actions**

The DWM-53 stop-sale, stop-use, hold, remove order form shall be used by the Department when prohibiting commodities or devices from sale or use. The DWM-53 form shall be as follows:



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**ARIZONA DEPARTMENT OF WEIGHTS AND MEASURES ADMINISTRATIVE ORDER**

2025 RELEASE UNDER E.O. 14176

1100 E. AZO WAY, S.W. JOE  
TUCSON, AZ 85710  
408-6610 • FAX 408-6610

1061 W NORTH LANE  
PHOENIX, ARIZONA 85018  
(602) 255-5216  
FAX 255-1000

7007 N. HWY. 80  
P.O. BOX 2044  
FLAGSTAFF, AZ 86004  
774-7577 • FAX 774-7577

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NAME		LOCATION COUNTY		DATE		SHIP		ALSO	
ADDRESS		CITY		ZIP		TELEPHONE		REF. # SEE	
STOP-SALE STOP-USE HOLD REMOVE (X One(s) as Appropriate)				TIME IN		TIME OUT		REF. STATUS	
COMMODITY DEVICE				SEARS SERIAL NUMBER				LOT & BLOCK #	
VENDOR				ADDRESS					
VENDOR'S SOURCE:				WAREHOUSE		DISSEMINATOR		OTHER	
NAME				ADDRESS					
THE ABOVE DESCRIBED COMMODITY OR DEVICE HAS FAILED TO MEET REQUIREMENTS OF A.R.S. TITLE 41, CHAPTER 18; A.R.S. TITLE 49, CHAPTER 4, ARTICLE 7; OR A.C. TITLE 4, CHAPTER 31; TO WIT:					THIS PORTION SHALL BE COMPLETED AND APPROVED BY THE RESPONSIBLE PARTY INDICATING THE MANNER IN WHICH THE COMMODITY OR DEVICE HAS BEEN DISPOSED. IF COMMODITY OR DEVICE HAS BEEN RELOCATED TO ANOTHER FACILITY, INCLUDE ADDRESS AND IDENTIFICATION OF FACILITY AND THE CARRIER. EXPLAIN:				
AND IS, THEREFORE, PROHIBITED FROM SALE OR USE AND SHALL BE DISPOSED OF ONLY IN THE FOLLOWING MANNER:									
INSPECTOR _____ DATE _____					NAME & TITLE OF RESPONSIBLE PARTY _____ DATE _____				
ADMINISTRATIVE ORDER RECEIVED BY: _____					APPROVAL OF ABOVE DISPOSITION CONFIRMED BY: _____				
NAME _____ TITLE _____ DATE _____					SPECIALTY AND RELATIONS OFFICIAL _____ DATE _____				
					ARMED OFFICIAL, School Of Ordnance _____ DATE _____				

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**R20-2-108. Time-frames for Licenses, Renewals, and Authorities to Construct**

- A. For each type of license, renewal, or authority issued by the Department, the overall time-frame described in A.R.S. § 41-1072(2) is set forth in Table 1.
- B. For each type of license, renewal, or authority issued by the Department, the administrative completeness review time-frame described in A.R.S. § 41-1072(1) is set forth in Table 1 and begins on the date the Department receives an application.
  - 1. If the application is not administratively complete, the Department shall send a deficiency notice to the applicant.
    - a. The deficiency notice shall state each deficiency and the information needed to complete the application.
    - b. Within the time provided in Table 1 for response to the deficiency notice, the applicant shall submit to the Department the missing information specified in the deficiency notice. The time-frame for the Department to finish the administrative completeness review is suspended from the date the Department mails the deficiency notice to the applicant until the date the Department receives the missing information.
    - c. If the applicant does not submit the missing information within the time to respond to the deficiency notice set forth in Table 1, the Department shall send a written notice to the applicant informing the applicant that the application is deemed withdrawn. An applicant who desires to reapply shall begin the application process anew.
  - 2. If the application is administratively complete, the Department shall send a written notice of administrative completeness to the applicant.
- C. For each type of license, renewal, or authority issued by the Department, the substantive review time-frame described in A.R.S. § 41-1072(3) is set forth in Table 1 and begins on the date the Department sends written notice of administrative completeness to the applicant.
  - 1. During the substantive review time-frame, the Department may make 1 comprehensive written request for additional information. The applicant shall submit the additional information within the time provided in Table 1 for response to a comprehensive written request for additional information. The time-frame for the Department to finish the substantive review is suspended from the date the Department mails the request until the Department receives the information.
  - 2. If the applicant does not submit the requested additional information within the time-frame in Table 1, the Department shall issue a written notice informing the applicant that the application is deemed withdrawn. The applicant may request in writing that the Department deny the application within 15 days of the date of the notice of withdrawal. An applicant who desires to reapply shall begin the application process anew.
  - 3. The Department shall issue a written notice of denial of license, renewal, or authority if the Department determines that the applicant does not meet all of the substantive criteria required by A.R.S. Title 41, Chapter 15, and this Chapter for a license, renewal, or authority.
    - a. The notice of denial shall include:
      - i. Reasons for the denial, with citations to the statutes or rules on which the denial is based;

- and
- ii. The name and telephone number of a Department employee who can answer questions regarding the application process.
- 4. If the applicant meets all of the substantive criteria required by A.R.S. Title 41, Chapter 15, and this Chapter for a license, renewal, or authority the Department shall issue the license, renewal, or authority to the applicant.
- D. The time period for an applicant to respond to a deficiency notice or request for additional information shall commence on the date of personal service or the postmark date.
- E. In computing any time period prescribed in this Section, the day of the act, event, or default shall not be included. The last day of the period shall be included unless it is Saturday, Sunday, or a state holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or state holiday. The computation shall include intermediate Saturdays, Sundays and holidays.
- F. An applicant whose license, renewal, or authority is denied has a right to a hearing, an opportunity for rehearing, and if the denial is upheld, judicial review pursuant to A.R.S. Title 41, Chapter 6, Articles 6 and 10, and A.R.S. Title 12, Chapter 7, Article 6.

**R20-2-109. Administrative Hearing Procedures**

Title 41, Chapter 6, Articles 6 and 10 apply to the Department's hearings.

**R20-2-113 R20-2-110. Motion for Rehearing or Review**

- A. Except as provided in subsection (G), any party in a contested case or appealable agency action before the director Department who is aggrieved by a decision rendered in such the case may file with the director Department, not later than ten days after service of the decision, a written motion for rehearing or review of the decision, pursuant to A.R.S. Title 41, Chapter 6, Article 10, specifying the particular grounds therefor for the motion.
- B. A motion for rehearing or review under this rule may be amended at any time before it is ruled upon by the director Department. A response may be filed within ten 10 days after service of such the motion or amended motion by any other party or the Attorney General. The director Department may require the filing of written briefs upon the issues raised in the motion and may provide for oral argument.
- C. A rehearing or review of the decision may only be granted for any of the following causes reasons materially affecting the moving party's rights or ability to receive a fair hearing:
  - 1. Irregularity in the proceedings before the director or any order or abuse of discretion, whereby the moving party was deprived of a fair hearing Any irregularity in the hearing, order, or abuse of discretion by the administrative law judge or the Department.
  - 2. Misconduct of the director Department, his employees or his hearing officer the administrative law judge, or the prevailing party.
  - 3. Accident or surprise which that could not have been prevented by ordinary prudence.
  - 4. Newly discovered material evidence which that could not with reasonable diligence have been discovered with reasonable diligence and produced at the original hearing.
  - 5. Excessive or insufficient penalties.
  - 6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing.

7. That the decision is not justified by the evidence or is contrary to law.
- D. The director Department may affirm or modify the its decision, or grant a rehearing or review as to all or any of the parties and on all or part of the issues for any of the reasons set forth in subsection (C). After giving the parties or their counsel notice and an opportunity to be heard, the Department may grant a rehearing or review for a reason not stated in a party's motion. An order granting a rehearing or review shall specify with particularity the ground or grounds on which the rehearing or review is granted, and the The rehearing or review shall cover only those matters so specified.
- E. The director Department, within the time for filing a motion for rehearing or review under this rule, may on his own initiative order a rehearing or review of his decision for any reason for which he might have granted a rehearing on motion of a party of the reasons set forth in subsection (C). After after giving the parties notice and an opportunity to be heard on the matter, the director may grant a motion for rehearing, timely served, for a reason not stated in the motion. In either case, the order granting such a rehearing shall specify the ground therefor.
- F. When a motion for rehearing or review is based upon affidavits, they shall be served with the motion. An opposing party or the Attorney General may within ten shall have 10 days after such from the date of service to serve opposing affidavits. The Department may extend the period to respond for good cause shown up to 20 days, or by written stipulation of the parties. If the Department permits reply affidavits, they shall be served within 5 days.
- G. If in a particular decision the director Department makes specific findings that the immediate effectiveness of such a deci-

sion is necessary for the immediate preservation of the public peace, health, and safety and that a rehearing or review of the decision is impracticable, unnecessary, or contrary to the public interest, the Department may issue the decision may be issued as a final decision without an opportunity for a rehearing or review. If a decision is issued as a final decision without an opportunity for rehearing or review, any application for judicial review of the decision shall be made within the time limits permitted for applications for judicial review of the director's Department's final decision.

**R20-2-114. Final Decision of the Department**

- A. If a motion for rehearing is denied, the final decision denying the motion for rehearing shall be sent within 15 days after the denial to all parties.
- B. If the motion for rehearing was granted, a final decision shall be made and shall be sent within 15 days after the conclusion of the rehearing to all parties.
- C. A final decision of the Department shall contain:
1. Findings of facts and conclusions of law, separately stated, and the decision; and
  2. A paragraph substantially as follows:  
"This is the final decision of the Department of Weights and Measures. This decision may be reviewed by the Superior Court by the filing of an action to review pursuant to the Judicial Review of Administrative Decisions Act, A.R.S. § 12-901 et seq., within 35 days from the date when a copy of this final decision is served upon the party affected pursuant to A.R.S. § 12-904."
- D. The final decision of the Department is the "administrative decision" of the Department as defined in A.R.S. § 12-901(2).

**Table 1. Time Frames  
(in days)**

<u>Type of License</u>	<u>Administrative Review Time-frame</u>	<u>Time to Respond to Deficiency Notice</u>	<u>Substantive Review Time-Frame</u>	<u>Time to Respond to Request for Additional Information</u>	<u>Overall Time-Frame</u>
<u>Commercial Device</u> <u>R20-2-201</u>	<u>10</u>	<u>20</u>	<u>30</u>	<u>20</u>	<u>40</u>
<u>Public Weighmaster</u> <u>R20-2-501</u>	<u>10</u>	<u>20</u>	<u>30</u>	<u>20</u>	<u>40</u>
<u>Registered Service Agency/Representative</u> <u>R20-2-601</u>	<u>10</u>	<u>20</u>	<u>30</u>	<u>20</u>	<u>40</u>
<u>Authority to Construct</u> <u>R20-2-904</u>	<u>10</u>	<u>20</u>	<u>30</u>	<u>20</u>	<u>40</u>

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**ARTICLE 2. WEIGHING AND MEASURING  
COMMERCIAL DEVICES**

**R20-2-201 Compliance with Regulations Concerning Devices**

- A. Application. All commercial weighing, and measuring, metering and counting devices installed after the effective date of A.R.S. § 41-2064 shall be in compliance with those requirements adopted by the National Conference on Weights and Measures from the National Bureau of Standards Handbook 44. Weighing, measuring, metering and counting devices in lawful commercial use prior to the effective date of A.R.S. § 41-2064 may be continued in use until such time as determined by the Director or his agent.
- B. Exemption. Livestock scales, installed before the effective date of A.R.S. § 41-2064, are exempted from this regulation.

**R20-2-201. Licensing Process**

- A. An owner of a device may apply for a license on a form supplied by the Department.
1. The application form may require:
- The applicant's name, address, and telephone number;
  - The name, address, and telephone number of the location where the device will be operated;
  - The device description; and
  - The applicant's signature.

**R20-2-202. Handbook 44**

As required by A.R.S. § 41-2064, all commercial devices shall comply with the specifications, tolerances, and other technical requirements set forth in Handbook 44, except as otherwise stated in these rules.

**R20-2-202 R20-2-203 Approval, Installation, and Sale of Devices**

- A. All commercial weighing, measuring, metering and counting devices installed after the effective date of A.R.S. § 41-2064 January 1, 1975 shall be type-approved prototype-approved by the NIST. Prototype approval from the National Bureau of Standards may be submitted in lieu of California Division of Measurement Standards approval. All devices installed before January 1, 1975 are exempt from NIST prototype approval.
- B. Any The owner of a device installed for commercial purposes only shall be reported by the licensee report its use to the Department within 5 7 days of the event its use.
- C. Any weighing, measuring, metering and counting The seller of any device which that has been repaired or reconditioned remanufactured for the purpose of commercial sale shall not be sold sell the device unless so marked by the seller it is marked as having been remanufactured.

**R20-2-203 R20-2-204 Livestock and Vehicle Scale Installation**

- A. Definition. "Portable livestock and portable vehicle scales" mean devices which are shall be designed to be readily moved moveable from one location to another.
- B. Application
- Portable scales and low-profile electronic scales shall have provision for adequate access be accessible for proper maintenance.
- 2C. Notwithstanding any provision in National Bureau of Standards Handbook 44 (as adopted by the National Conference on Weights and Measures) to the contrary, vehicle and livestock scales installed above ground shall have two 2 feet minimum clearance from the bottom of the lowest platform

support girder, that is lowest in platform support, to the ground.

- 3D. Notwithstanding any provision in National Bureau of Standards Handbook 44 (as adopted by the National Conference on Weights and Measures) to the contrary, vehicle and livestock scales, installed with a pit, shall have two 2 feet minimum clearance from the bottom of the main girder; that is lowest in platform support; to the pit floor.
- C. Exemptions. The provisions of this Section shall not apply to devices installed prior to January 2, 1975.

**ARTICLE 3. PACKAGING, AND LABELING, AND  
METHOD OF SALE**

**R20-2-301. Definitions and types of commodities Application**

- A. Definitions. The following definitions are generally applicable to this Article.
- "Bidimensional commodity" means a commodity which is measured and sold by the square of the basic unit (square inches, square feet, square yards, square centimeters, square meters).
  - "Combined declaration" means a statement on the label identifying the quantity contained within the package in terms of two of the following criteria: weight, measure and/or count.
  - "Commodity in package form" means a commodity put up or packaged in any manner in advance of sale.
  - "Consumer package" or "package of consumer commodity" means any commodity in package form that is produced or distributed for sale through retail agencies.
  - "Dual quantity declaration" means a declaration of weight, liquid measure, length measure or area measure which is made in terms of both the total of the units of inch/pound measure (ounce, fluid ounce, inch, square inch) and the larger whole unit (pound, pint, foot, square foot).
  - "Inch/pound system" — see R20-2-105(B)(5).
  - "Label" means any written, printed or graphic matter applied to, molded into or appearing upon or adjacent to a commodity or a package for the purpose of identifying or giving information with respect to the contents of the package.
  - "Labeler or packager" means any person engaged in the packaging or labeling of any consumer commodity. Persons engaged in business as wholesalers or retail distributors of consumer commodities are not included in this definition, unless such persons prescribe or specify by any means the manner in which commodities are packaged or labeled.
  - "Multi-unit package" means a package containing two or more individual packages of the same commodity, in the same quantity, with the individual packages intended to be sold as part of the multi-unit package but capable of being individually sold in full compliance with all requirements of these regulations.
  - "Nonconsumer commodity or nonconsumer packages" means any commodity in package form intended solely for industrial or institutional use or for wholesale distribution.
  - "Package" — see R20-2-101(B)(7).
  - "Principal display panel" means the part or parts of a label that is or are designed as to be most likely displayed or examined under normal conditions of display and purchase. All requirements pertaining to the "principal display panel" shall pertain to all "principal display

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panels". This definition applies only to consumer commodities.

13. "Random package" means a package that is one of a lot, shipment or delivery of packages of the same consumer commodity with varying quantities.

**BA. Application**

1. Regulations under this

This Article shall apply to consumer and nonconsumer packages which that are produced, kept, offered or exposed for sale.

2. In administering these regulations, the Director shall consider the provisions of other applicable state laws, the regulations authorized by these laws, and any established trade custom with respect to packaging and labeling, so long as the presentation provides adequate and accurate consumer information.

**CB. Exemptions.** These rules and regulations This Article shall not apply to:

1. Shipping containers or wrapping used solely for the transportation of any commodities in bulk or in quantity, but in no event shall this exclusion apply to packages of consumer or nonconsumer commodities, as defined in these regulations Handbook 130;
2. Auxiliary containers or outer wrappings used to deliver packages of such commodities to retail customers if such the containers or wrappings bear no printed matter pertaining to any particular commodity;
3. Containers used for retail displays when if the container itself is not intended to be sold. Example: A tray that is used to display individual envelopes of seasonings, gravies, and other similar commodities, when the tray is not for sale;
4. Commodities put up offered for sale in variable weights and sizes, for sale intact and intended to be either weighed or measured at the time of sale, if and where the method of sale is clearly indicated in close proximity to the quantity posted near the commodity being sold;
5. Open carriers and transparent wrappers of carriers used for containers when if the wrappers or carriers do not bear any written, printed, or graphic matter obscuring the label information required by these regulations Handbook 130; or
6. Inner wrappings not intended to be sold for sale to customers.

**R20-2-302. Declaration of identity and responsibility**

**A. Declaration of identity.** A declaration of identity on a consumer package shall appear:

1. On the principal display panel, and shall positively identify the commodity in the package by its common or usual name, description, generic term or the like;
2. Generally parallel to the base on which the package rests as it is designed to be displayed;
3. On the outside of the package and shall positively identify the commodity in the package by its common name, description, generic term, or the like.

**B. Declaration of responsibility**

1. Any package kept, offered or exposed for sale or sold at any place other than on the premises where packed shall specify conspicuously on the label of the package the name and address of the manufacturer, packer or distributor:
  - a. The name shall be the actual corporate name, or, when not incorporated, the name under which the business is conducted.
  - b. The address shall include street address, city, state and zip code; however, the street address may be

omitted if this is shown in a current city directory or telephone directory.

2. If a person manufactures, packs or distributes a commodity at a place other than his principal place of business, the label may state the principal place of business in lieu of the actual place where the commodity was manufactured or packed or is to be distributed, unless such statement would be misleading.
3. Where the commodity is not manufactured by the person whose name appears on the label, the name shall be qualified by a phrase that reveals the connection such person has with the commodity, such as, "Manufactured for and packed by \_\_\_\_\_" "Distributed by \_\_\_\_\_", or any other wording of similar import that expresses the facts.
4. Where a manufacturing, packing or distributing plant is identified by code number, a listing of all such code numbers shall be given to the Department, if requested.

**C. Exemptions**

1. Confectionery

- a. Individually wrapped pieces of candy and other confectionery of less than 1/2 ounce net weight shall be exempt from the labeling requirements when the shipping container is in conformance with the labeling requirements.
- b. Similarly, when such confectionery items are sold in bags or boxes, they are exempt from the labeling requirements, including the requirement of net quantity of contents, when the declaration of the bag or box meets all labeling requirements.

2. Tobacco (other than cigarettes). When individual cuts, plugs, and twists of tobacco and individual cigars are shipped or delivered in containers that conform to the labeling requirements of this regulation, the individual items shall be exempt from these labeling requirements.
3. Soft drinks

- a. Bottles of soft drinks shall be exempt from the placement requirements of the declaration of identity when such declaration appears on the bottle closure.
- b. Multi-unit packages of soft drinks are exempt from the requirements for declaration of:
  - i. Identity, when such declaration appears on the individual units and is not obscured by the multi-unit packaging;
  - ii. Responsibility, when such declaration appears on the individual units and is not obscured by the multi-unit packaging, or when the outside container bears a statement to the effect that such declaration will be found on the inside of the individual units.

4. Butter and margarine, when packaged in 4-ounce, 8-ounce and 1-pound units with continuous label copy wrapping, are exempt from the requirements that the statement of identity be generally parallel to the base of the package.
5. Cosmetics. The principal display panel of a cosmetic marketed in a "boudoir type" container, including decorative cosmetic containers of the "cartridge", "pill box", "compact" or "pencil" variety, and those with a capacity of 1/4 ounce or less, may be a tear away tag or tape affixed to the decorative container, bearing the mandatory label information as required by this regulation.
6. Motor oil or synthetic lubricants in 1 liquid quart, 1 gallon, 1 1/4 gallon, 2 gallon and 2 1/2 gallon units, or their metric equivalent, bearing the principal display panel on

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the body of the container, are exempt from the requirements of this regulation, to the extent that the SAE (the Society of Automotive Engineers) grade is required to appear on the principal display panel; unless the SAE grade appears on the can lid and is expressed in letters and numerals in type size of at least 1/4 inch.

7. These products, including pillows, cushions, comforters, mattress pads and sleeping bags that bear a permanent label as designed by the Association of Bedding and Furniture Law Officials shall be exempt from the requirements for the declaration of identity and responsibility, provided that the declaration of identity and responsibility satisfy the other requirements of these regulations, and that the information on the permanently attached label is fully observable to the purchaser.

**R20-2-302. Handbook 130 and Handbook 133**

All packaging, labeling, and method of sale requirements shall follow Handbook 130, except as otherwise stated in these rules. Packaged commodities kept, offered, exposed for sale, sold, or in the process of delivery shall be weighed, measured, and inspected using sampling and testing procedures designated in Handbook 133, except as otherwise stated in these rules.

**R20-2-303. Declaration of Quantity: Consumer Packages**

**A. Quantity declarations and appropriate types of measure**

1. Quantity declarations shall be expressed in terms of:
  - a. Liquid measure, if the commodity is liquid;
  - b. Weight, if the commodity is solid, semi-solid, viscous or a mixture of solid and liquid;
  - c. Or count.

2. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity (for a liquid, by weight; or for a solid, semi-solid or viscous product, by measure or count), such declaration may be used when it provides accurate and adequate information as to the quantity of the commodity.

**B. Combined declaration. A declaration of quantity in terms of:**

1. Weight shall be combined with appropriate declarations of the measure, count and/or size of the individual units, unless a declaration of weight alone is fully informative;
2. Measure shall be combined with appropriate declarations of the weight, count and/or size of the individual units, unless a declaration of measure alone is fully informative;
3. Count shall be combined with appropriate declarations of weight, measure and/or size of the individual units, unless a declaration of count alone is fully informative.

**C. Declaration of quantity: inch/pounds**

1. When quantity is declared in inch/pounds:
  - a. The units of weight shall be in terms of the avoirdupois pound, ounce or fraction thereof;
  - b. The units of liquid measure shall be in terms of U.S. gallons, liquid quarts, liquid pints, fluid ounces or fractions thereof. This declaration shall express the volume at 68°F, except in the case of:
    - i. A commodity that is normally sold and consumed while frozen, in which case the declaration shall express the volume at the frozen temperature;
    - ii. A commodity that is normally sold in the refrigerated state, in which case the declaration shall express the volume at 40°F;
    - iii. Petroleum products, in which case the declaration shall express the volume at 60°F.

- e. The units of linear measure shall be in terms of the inch, foot, yard or fractions thereof;
- d. The units of area measure shall be in terms of the square inch, square foot, square yard or fractions thereof;
- e. The units of dry measure shall be in terms of the U.S. bushel of 2,150.42 cubic inches, or the peck, dry quart and dry pint subdivisions of the bushel or fractions thereof;
- f. The units of cubic measure shall be in terms of the cubic inch, cubic foot, cubic yard or fractions thereof.

**2. Use of the term "ounce".**

- a. When the term "ounce" is employed in a declaration of liquid quantity, the declaration shall identify the particular meaning of the term by use of the word "fluid", unless, through the association of terms, the proper meaning is obvious, as in "1 pint 4 ounces".
- b. Whenever the declaration of quantity is in terms of the dry pint or dry quart, the declarations shall include the word "dry".

**3. Abbreviations. When using the inch/pound system, these words shall be abbreviated as follows:**

avoirdupois	avdp	ounce	oz
cubic	cu	pint	pt
feet or foot	ft	pound	lb
fluid	fl	quart	
qt			
gallon	gal	square	sq
inch	in	weight	wt
liquid	liq	yard	yd

**D. Declaration of quantity: metric**

**1. When quantity is declared in metric terms:**

- a. The units of mass shall be in terms of the milligram, gram and kilogram;
- b. The units of liquid measure shall be in terms of the milliliter or liter and shall express the volume at 20°C; except in the case of:
  - i. A commodity that is normally sold and consumed while frozen, in which case the declaration shall express the volume at the frozen temperature;
  - ii. A commodity that is normally sold in the refrigerated state, in which case the declaration shall express the volume at 4°C;
  - iii. Petroleum products, in which case the declaration shall express the volume at 15.6°C;
- c. The units of linear measure shall be in terms of the millimeter, centimeter or meter;
- d. The units of area measure shall be in terms of the square centimeter or square meter;
- e. The units of dry measure shall be in terms of the milliliter and liter;
- f. The units of cubic measure shall be in terms of cubic centimeter and cubic meter.

**2. Abbreviations**

- a. When using the metric system, these words shall be abbreviated as follows:
 

kilogram	kg	centimeter	cm
gram	g	millimeter	mm
milligram	mg	square meter	m <sup>2</sup>
liter	L or l	square centimeter	mm <sup>2</sup>
milliliter	mL or ml	cubic meter	m <sup>3</sup>

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- meter mL cubic centimeter<sup>3</sup>
- b. Capitalization and punctuation of abbreviations or symbols
- i. Symbols, except for liter, are not capitalized unless the unit is derived from a proper name.
  - ii. The "L" and "mL" symbols are preferred for liter and milliliter respectively, but the use of "l" and "ml" are permitted.
  - iii. Periods should not be used after the symbol.
  - iv. Symbols are always written in the singular form; do not add "s" to express the plural when a symbol is used.
- E. Largest whole units, fractions and decimals
1. Largest whole unit. Where these regulations require that the quantity declaration be in terms of the largest whole unit, the declaration shall, with respect to a particular package, be in terms of the largest whole unit of weight or measure, with any remainder expressed as follows:
    - a. In inch/pounds:
      - i. In common decimal fractions of such largest whole unit; or
      - ii. In the next smaller whole unit, or units, with any further remainder in terms of common or decimal fractions of the smallest unit present in the quantity declaration;
    - b. In metric: in metric units and in decimal fractions of such largest whole unit.
  2. Fractions
    - a. Inch/pound. An inch/pound statement of net quantity of contents of any consumer commodity may contain common or decimal fractions. A common fraction shall be in terms of halves, quarters, eighths, sixteenths or thirty seconds, except that:
      - i. If there exists a firmly established general consumer usage and trade custom for employing different common fractions in the net quantity declaration of a particular commodity, they may be employed; or
      - ii. If linear measurements are required in terms of yards or feet, common fractions may be in terms of thirds.
    - b. Metric. A metric statement in a declaration of net quantity of contents of any consumer commodity may contain only decimal fractions.
    - c. Common fractions. A common fraction shall be reduced to its lowest term. Example: 2/4 becomes 1/2.
    - d. Decimal fractions. A decimal fraction shall not be carried out to more than two places.
- F. Net quantity
1. A declaration of net quantity of the commodity in the package, exclusive of wrappers and any other material packed with such commodity, shall appear on the principal display panel of a consumer package, and unless otherwise specified in these regulations, shall be in terms of the largest whole unit.
  2. The term "net weight" shall be used in conjunction with the declaration of quantity in terms of weight; the term may either precede or follow the declaration of weight.
  3. A declaration of quantity may appear on one or more lines of print or type.
- G. Exemptions
1. Confectionery—see R20-2-302(C)(1).
  2. Individual serving size packages of food containing 1/2 ounce or less, 15 grams or less, 1/2 fluid ounce or less or 15 milliliters or less, and which are not intended for sale at retail, shall be exempt from the requirements of this regulation.
  3. Tobacco (other than cigarettes)—see R20-2-302(C)(2).
  4. Fluid dairy products, ice cream and similar frozen desserts. When packaged in 1/2 liquid pint and 1/2 gallon containers, these shall be exempt from the requirements for stating net contents in 8 fluid ounces and 64 fluid ounces and may be expressed as 1/2 pint and 1/2 gallon respectively.
  5. Fruit juice beverages (single strength and less than single strength), imitations thereof and drinking water, when packaged in glass, plastic or fluid milk type paper containers of 8 and 64 fluid ounce capacity, are exempt from the requirements of R20-2-303(C)(1)(b) of this regulation to the extent that the net contents of 8 fluid ounces and 64 fluid ounces (or two quarts) may be expressed as 1/2 pint or "half pint" and 1/2 gallon or "half gallon" respectively.
  6. Camera film, exposed and unexposed, packaged and labeled for retail sale, is exempt from the net quantity statement which specifies how measurement of commodities should be expressed; provided, that:
    - a. The net quantity of contents on packages of movie film and still film is expressed in terms of the number of linear feet or meters of usable film contained therein;
    - b. The net quantity of contents on packages of still film is expressed in terms of the number of exposures the contents will provide. The length and width measurement of the individual exposures, expressed in millimeters or inches, are authorized as an optional statement. Example: "26 exposures, 36 x 25 mm" or "12 exposures, 2 1/4 x 2 1/4 in".
  7. Individual packaged commodities put up in variable weights and sizes for sale intact and intended to be weighed and marked with the correct quantity statement prior to or at the point of retail sale are exempt from the requirements of this regulation while moving in commerce and while held for sale prior to weighing and marking; provided, that the outside container bears a label declaration of the total weight.
  8. Packaged commodities measured in terms of count. When a packaged consumer commodity is properly measured in terms of count only, or in terms of count and some other appropriate unit, and the individual units are fully visible to the purchaser, such packages shall be labeled in full accord with this regulation, except that those containing 6 or less items need not include a statement of count.
- R20-2-304. Declaration of Quantity: Prescribed Units for Consumer Packages According to Size, Bidimensionality or Count**
- A. Prescribed units—inch/pound system**
1. Packages less than 1 pound, 1 pint, 1 foot or 1 square foot. The declaration of quantity shall be expressed in terms of:
    - a. For weight—ounces and fractions of ounces;
    - b. For liquid measure—fluid ounces and fractions of fluid ounces;
    - c. For length measure—inches and fractions of inches;
    - d. For area measure—square inches and fractions of square inches;



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- e. Provided that the quantity declaration appearing on a random package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than two decimal places.
  - 2. Dual quantity declaration for packages of 1 pound, 1 pint, 1 foot or 1 square foot or more, but less than 4 pounds, 1 gallon, 4 feet or 4 square feet. The declaration of quantity shall be expressed in terms of:
    - a. For weight—ounces and, in addition, shall be followed by a declaration in parentheses expressed in terms of the largest whole unit; provided that the quantity declaration appearing on a random package may be expressed in terms of pounds and decimal fractions carried out to not more than two decimal places.
    - b. For liquid measure—fluid ounces, followed, in addition, by a declaration in parentheses, expressed in terms of the largest whole unit.
    - c. For length measure—inches, followed, in addition, by a declaration in parentheses, expressed in terms of the largest whole unit.
    - d. For area measure—square inches, followed, in addition, by a declaration in parentheses, expressed in terms of the largest whole unit.
  - 3. Packages of more than 4 pounds, 1 gallon, 4 feet and 4 square feet. The declaration of quantity shall be expressed in terms of:
    - a. For weight, liquid measure and area measure—the largest whole unit;
    - b. For length—a dual quantity declaration, consisting of the number of feet, followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards with any remainder expressed in terms of feet and inches.
  - 4. Bidimensional commodities (including roll type commodities). The declaration of quantity shall be expressed as follows:
    - a. If less than 1 square foot, in terms of linear inches and fractions of linear inches;
    - b. If at least 1 square foot but less than 4 square feet, in terms of square inches followed in parentheses by a declaration of both the length and width, each being in terms of the largest whole unit; provided, that
      - i. No square inch declaration is required for a bidimensional commodity of 4 inches width or less;
      - ii. A dimension of less than 2 feet may be stated in inches within the parentheses; and
      - iii. Commodities consisting of usable individual units (except for roll type commodities with individual usable units created by perforations, as set forth in R20-2-304(C)(2) of this regulation) require a declaration of unit area, but not a declaration of total area of all such units;
    - c. If 4 square feet or more, in terms of square feet, followed in parentheses by a declaration of the length and width in terms of the largest whole unit, provided that:
      - i. No declaration in square feet is required for a bidimensional commodity with a width of 4 inches or less;
      - ii. Bidimensional commodities, with a width of 4 inches or less, shall have the length expressed in inches followed by a statement in parentheses of the length in the largest whole unit. Example: 2 inches by 360 inches (10 yards);
      - iii. A dimension of less than 2 feet be stated in inches within the parentheses;
    - d. No declaration in square feet is required for commodities for which the length and width measurements are critical in terms of the end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label.
- B. Prescribed units—metric**
- 1. Packages less than 1 kilogram, 1 liter, 1 meter and 1 square meter. The declaration of quantity shall be expressed in terms of:
    - a. For mass—grams and decimal fractions of a gram; but if less than a gram, the declaration of quantity shall be expressed in millimeters;
    - b. For liquid measure—milliliters;
    - c. For length measure—centimeters or millimeters;
    - d. For area measure—square centimeters and decimal fractions of square centimeters;
    - e. Provided, that the quantity declaration appearing on a random weight package may be expressed in terms of decimal fractions of the largest appropriate unit, the fraction being carried out to not more than three decimal places.
  - 2. Packages of 1 kilogram, 1 liter, 1 meter and 1 square meter or more. The declaration of quantity shall be expressed in terms of:
    - a. For mass—kilograms and decimal fractions to not more than two places;
    - b. For liquid measure—liters and decimal fractions to not more than two places;
    - c. For length measure—meters and decimal fractions to not more than two places;
    - d. For area measure—square meters and decimal fractions to not more than two places.
  - 3. Bidimensional commodities (including roll type commodities). The declaration of quantity shall be expressed as follows:
    - a. If less than 1 square meter, in terms of length and width;
    - b. If 1 square meter or more, in terms of square measure followed in parentheses by a declaration of length and width; provided that:
      - i. Quantity declarations on bidimensional commodities with a width of 100 millimeters or less may be expressed in terms of width and length only;
      - ii. Commodities consisting of usable individual units (except roll type commodities with individual usable units created by perforations, for which see R20-2-304(C)(2) of this regulation) require a declaration of unit area but not a declaration of total area of all such units;
      - iii. No declaration in square units is required for commodities for which the length and width measurements are critical in terms of end use (such as tablecloths or bedsheets) if such commodities clearly present the length and width measurements on the label.
- C. Count**



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1. Ply. If the commodity is in individually usable units of one or more components or ply, the quantity declaration shall, in addition to complying with other applicable requirements of this regulation, include the number of ply and the total number of usable units.
  2. Roll-type commodities, when perforated so as to identify individual usable units, shall not be deemed to be made up of usable units; however, such roll-top commodities shall be labeled in terms of:
    - a. Total area measurement;
    - b. Number of ply;
    - c. Count of usable units, and
    - d. Dimensions of a single usable unit.
- D. Supplementary declarations**
1. Combined metric and inch/pound declarations
    - a. A separate statement of the net quantity of contents in terms of the metric system is not regarded as a supplemental statement, but is jointly recognized, and either the metric system or the customary system used in the United States may be used for all commercial purposes in the state.
    - b. Rounding. In all conversions for the purpose of showing an equivalent metric or inch/pound quantity to a rounded customary or metric quantity, the number of significant digits retained should be such that accuracy is neither sacrificed nor exaggerated. As a general rule, converted values should be rounded down by dropping any digit beyond the first three. (Example: 196.4 grams becomes 196 grams or 1.759 feet becomes 1.75 feet).
  2. The required quantity declaration may be supplemented by one or more declarations of weight, measure, or count, such declarations appearing on other than a principal display panel.
  3. Qualification of declaration prohibited
    - a. Such supplemental statement of quantity of contents shall not include any term qualifying a unit of weight, measure, or count that tends to exaggerate the amount of the commodity contained in the package. Example: "giant quart", "larger liter", "full gallon", "when packed", "minimum" or words of similar import.
    - b. Nor shall such terms be used to qualify any declaration of quantity.
- E. Exemptions**
1. Whenever any consumer commodity or package of consumer commodity is exempted from the requirements for dual quantity declaration, the net quantity declaration required to appear on the package shall be in terms of the largest whole unit.
  2. A random package bearing a label conspicuously declaring the net weight shall be exempt from the dual declaration requirement. This exemption shall also apply to uniform weight packages of cheese and cheese products labeled in the same manner and by the same type of equipment as random packages exempted in this Subsection.
  3. Packaged commodities with labeling requirements specified by federal law. Packages of meat and meat products, poultry and poultry products, tobacco and tobacco products, insecticides, fungicides, rodenticides and alcoholic beverages shall be exempt from the requirements for dual declarations provided that quantity labeling requirements for such products are specified in federal law so as to follow reasonably sound principles of providing customer information.
  4. Fluid dairy products, ice cream and similar frozen desserts, when packaged in 1 liquid pint, 1 liquid quart and ½ gallon containers, shall be exempt from the dual declaration requirements of this regulation.
  5. Fruit juice beverages (single strength and less than single strength), imitations thereof and drinking water, when packed in glass, plastic, or fluid milk-type paper containers of 1 pint, 1 quart and ½ gallon capacities, are exempt from the dual net contents declaration requirements of this regulation.
  6. Butter, when packaged in 1 pound units with continuous label copy wrapping and margarine in 1 pound rectangular packages (except for packages containing whipped or soft margarine or packages containing more than four sticks) shall be exempt from the dual quantity declaration requirements of this regulation.
  7. Wheat flour, packaged in 2 pound units, shall be exempt from the dual quantity declaration requirements of this Section.
  8. Camera film — see R20-2-303(G)(6).
  9. Paints, varnishes, lacquers, thinners, removers, oils, resins and solvents, when packed in 1 liquid pint and 1 liquid quart units, shall be exempt from the dual quantity declaration requirements of this regulation.
  10. Motor oils and synthetic lubricants, when packed in 1 liquid quart units, shall be exempt from the dual quantity declarations requirements of this regulation.
  11. Antifreeze, when packed in 1 liquid quart units, in metal or plastic containers, shall be exempt from the dual quantity declaration requirements of this regulation.
  12. Individual packaged commodities put up in variable weights and sizes for sale intact, and intended to be weighed and marked with the correct quantity statement prior to or at the point of retail sale, are exempt from the requirements of this regulation while moving in commerce and while held for sale prior to weighing and marking; provided, that the outside of the container bears a label declaration of the total weight.
  13. Commodities measured in terms of count — see R20-2-303(G)(8).
  14. Packaged fishing lines and reels are exempt from the dual quantity declaration requirements of this Section; provided that the quantity or capacity, as appropriate, is presented in terms of yards or meters in full accord with all other requirements of the regulations in this Article.
- R20-2-305. Declaration of Quantity: Types and Units of Measure for Nonconsumer Packages**
- A.** A nonconsumer package shall bear on the outside a declaration of the quantity of the contents. Such declaration shall be in terms of the largest whole unit, as provided elsewhere in this regulation.
- B.** The declaration of quantity of a particular commodity shall be expressed in terms of:
1. Liquid measure, if the commodity is liquid;
  2. Weight, if the commodity is solid, semi-solid, viscous, or a mixture of solid and liquid;
  3. Or count.
  4. However, if there exists a firmly established general consumer usage and trade custom with respect to the terms used in expressing a declaration of quantity of a particular commodity, such declaration of quantity may be expressed in its traditional terms, if such traditional declaration gives accurate and adequate information as to the quantity of the commodity.

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**C. A declaration of quantity shall be in accord with the following Subsections of R20-2-303:**

1. Units of weight and mass:
  - a. In inch/pounds—(C)(1)(a)
  - b. In metric—(D)(1)(a)
2. Units of liquid measure:
  - a. In inch/pounds—(C)(1)(b)
  - b. In metric—(D)(1)(b)
3. Units of linear measure:
  - a. In inch/pounds—(C)(1)(c)
  - b. In metric—(D)(1)(c)
4. Units of area measure:
  - a. In inch/pounds—(C)(1)(d)
  - b. In metric—(D)(1)(d)
5. Units of dry measure:
  - a. In inch/pounds—(C)(1)(e)
  - b. In metric—(D)(1)(e)
6. Units of cubic measure:
  - a. In inch/pounds—(C)(1)(f)
  - b. In metric—(D)(1)(f)

**D. Abbreviations:**

1. In inch/pounds—see R20-2-303(C)(3)
2. In metric—see R20-2-303(D)(2)

**E. The average quantity of contents in the package of a particular lot, shipment or delivery shall at least equal the declared quantity, and no unreasonable shortage in any package shall be permitted, even though averages in other packages in the same shipment, delivery or lot compensate for such shortage.**

**R20-2-306. Prominence and Placement of Principal Display Panel and Type Size**

**A. Principal display panel—general:**

1. Readability
  - a. All information required to appear on a consumer package shall be prominent, definite, and plain; and shall be conspicuous as to size and style of letters and numbers, and as to color of letters and numbers in contrast with the color of the background.
  - b. Required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.
2. Whenever a principal display panel appears more than once upon or adjacent to a package, all requirements pertaining to the single principal display panel shall pertain to all such principal display panels. This Section shall apply only to consumer packages.

**B. Placement and presentation of declaration of quantity within principal display panel:**

1. Location. The declaration of quantity of the contents of a package shall appear in the bottom 30 percent of the principal display panel(s), except as otherwise provided in these regulations for cylindrical containers.
2. Style of type or lettering. The declaration of quantity shall be such a type style or lettering as to be boldly, clearly, and conspicuously presented with respect to other type, lettering or graphic material on the package.
3. Color contrast. The declaration of quantity shall be in a color that contrasts conspicuously with its background.
4. Free area. The area surrounding the quantity declaration shall be free of printed information:
  - a. Above and below, by a space equal to at least the height of the lettering in the declaration; and
  - b. To the left and right, by a space equal to twice the width of the letter "N" in the style and size of type used in the declaration.

**C. Area of principal display panel and type size:**

1. The determination of the principal display panel shall exclude the tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles and jars.
2. Calculating area of panel. The square inch or meter area of the principal display panel shall be:
  - a. For rectangular containers (one entire side of which properly can be considered to be the principal display panel) the sum of the height times the width of that side;
  - b. For cylindrical or nearly cylindrical containers, 40 percent of the sum of the height of the container times the circumference;
  - c. For other shaped containers, 40 percent of the total surface of the container, unless such container presents an obvious principal display panel (e.g., the top of a triangular or circular package of cheese, or the top of a can of shoe polish), in which case the entire surface shall be taken to be the principal display area.
3. Minimum height of numbers and letters:
  - a. The height of any letter or number in the required quantity declaration shall not be less than that shown in the table below with respect to the square inch area of the panel, and the height of each number of a common fraction shall meet one-half the minimum height standards.

**Minimal Height of Numbers and Letters**

Square inch area of principal display panel of numbers label information and letters' blown, formed, or	Minimum height	Minimum height
molded on surface		
of container		
5 square inches and less	1/16 inch	1/8 inch
Greater than 5 square inches but not greater than 25 square inches	1/8 inch	3/16
Greater than 25 square inches but not greater than 100 square inches	3/16 inches	1/4
Greater than 100 square inches but not greater than 400 square inches	1/4 inch	5/16 inch
Greater than 400 square inches	1/2 inch	9/16 inches

- b. The size of the principal display panel, not the size of the label on the package, shall determine the letter size.
- c. No number or letter shall be more than three times as high as it is wide.

**D. Exemptions:**

1. Random packages:
  - a. A random package, bearing a label conspicuously declaring the net weight, the price per unit of weight and the total price, shall be exempt from the type size, placement and free area requirements of this regulation.

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- b. This exemption shall also apply to uniform weight packages of cheese and cheese products labeled in the same manner and by the same type of equipment as random packages exempted by this Section.
- 2. Cartons of cigarettes and small cigars, containing 10 individual packages of 20, labeled in accordance with the requirements of this regulation, shall be exempt from the requirements for location and minimum height of numbers and letters, provided that such cartons bear a declaration of the net quantity of the commodity in the package.
- 3. Packages labeled under federal law. Packages of meat and meat products, poultry and poultry products, tobacco and tobacco products, insecticides, fungicides, rodenticides and alcoholic beverages shall be exempt from the requirements for location and minimum height of numbers and letters, provided labeling requirements for such products are specified in federal law, so as to follow reasonably sound principles of providing consumer information.
- 4. Fluid dairy products, ice cream and similar frozen desserts:
  - a. When measured by and packed in  $\frac{1}{2}$  liquid pint, 1 liquid pint, 1 liquid quart,  $\frac{1}{2}$  liquid gallon and 1 liquid gallon measure containers and defined in the "Measure Container" section of the National Bureau of Standards Handbook 44 (as adopted by the National Conference on Weights and Measures), are exempt from the location requirements of this Regulation.
  - b. Milk and milk products, when measured by and packaged in glass or plastic containers of the sizes allowed by R20-2-402, are exempt from the requirements for location, type size of lettering and color contrast, provided that other required label information is conspicuously displayed on the cap or outside closure, and the required net quantity of contents declaration is conspicuously blown, formed or molded on, or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.
- 5. Fruit juice beverages (single strength and less than single strength), imitations thereof and drinking water, when packaged in glass or plastic containers of  $\frac{1}{2}$  pint, 1 quart,  $\frac{1}{2}$  gallon and 1 gallon capacities are exempt from the location requirements of this regulation, provided that other required label information is conspicuously displayed on the cap or outside closure and the required net quantity of contents declaration is conspicuously blown, formed or molded on, or permanently applied to that part of the glass or plastic container that is at or above the shoulder of the container.
- 6. Bottles of soft drinks shall be exempted from the placement requirements for the declaration of quantity, when such information is blown, formed or molded on or above the shoulder of the container and when all other required information appears on the bottle closure.
- 7. Butter and margarine, when packaged in 4 ounce, 8 ounce and 1 pound units with continuous label copy wrapping (except for packages containing whipped or soft margarine or margarine packages containing more than 4 sticks) are exempt from the requirements that net declaration be generally parallel to the base of the package

and also exempt from location requirements in this regulation.

- 8. Cartons containing 12 eggs shall be exempt from the requirement for location of net quantity declaration. When such cartons are designed to permit division in half, each half shall be exempt from the labeling requirements of this regulation, provided that the undivided carton conforms to all such requirements.
- 9. On a principal display panel of five square inches or less, the declaration of quantity need not appear in the bottom 30 percent of the principal display panel if that declaration satisfies the other requirements of this regulation.
- 10. Cosmetics—see R20-2-302(C)(5).
- 11. Combination packages are exempt from the requirements for location, free area and minimum height of numbers and letters as set forth in this regulation.
- 12. Corn flour, packaged in conventional 5, 10, 25, 50 and 100 pound bags, shall be exempt from the requirement in this regulation for location of the net quantity declaration.
- 13. Wheat flour, packaged in units of 2, 5, 10, 25, 50 and 100 pounds, shall be exempt from the requirement for location of the net quantity declaration.
- 14. Those products, including pillows, cushions, comforters, mattress pads, and sleeping bags, that bear a permanent label as designated by the Association of Bedding and Furniture Law Officials shall be exempt from the requirements for location, size of letters or numbers and free area, provided that the declaration of quantity is presented on a permanently attached label which is fully observable to the purchaser and which satisfies the other requirements of these regulations.

**R20-2-307. Labeling Requirements for Specific Types of Consumer Packages**

**A. Multi-unit, combined, variety packages and display cards:**

- 1. General. Unless indicated to the contrary, the requirements of this Section are in addition to those general requirements already prescribed in earlier Sections of this Article.
- 2. Multi-unit packages
  - a. Any multi-unit package, containing more than one individual "commodity in package form" of the same commodity shall bear on the outside of the package a declaration of:
    - i. The number of individual units;
    - ii. The quantity of each individual unit; and
    - iii. The total quantity of the contents of the multi-unit package.
  - b. The requirement for the declaration of a total quantity of contents for a multi-unit package shall be effective with respect to those labels revised after the effective date of this regulation. Any such declaration of total quantity shall not be required to include the parenthetical quantity statement of a dual quantity representation.
- 3. Combined packages. Any package containing individual units of dissimilar commodities, such as an antiquing kit, shall bear on the label of the package a quantity declaration.
- 4. Variety packages. Any package containing individual units of reasonably similar commodities (for example, seasonal gift packages or variety packages of cereal) shall bear on the label of the package a declaration of the total quantity of the commodity in the package.

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5. Display cards. For an additional package affixed to a display card or for a commodity and display card together comprising a package, the type size of the quantity declaration is governed by the dimensions of the display card.

**B. Containers**

1. Commodities as containers. Commodities designed and sold at retail to be used as containers for other material or objects, such as bags, cups, boxes, and pans, shall be labeled with declarations of net quantity as follows:

- a. For bag-type commodities, in terms of count, followed by linear dimensions of the bag (whether packaged in a perforated roll or otherwise):

- i. When the unit bag is characterized by two dimensions because of the absence of a gusset, the width and length will be expressed:

- (1) For inch/pound units—in inches, except that a dimension of 2 feet or more will be expressed in feet with any remainder in terms of either inches or common or decimal fractions of the foot. Example: "25 bags, 17 inches x 20 inches" or "100 bags, 20 inches x 2 feet 6 inches"; or "50 bags, inches x 2 ½ feet";

- (2) For metric units—in millimeters, except that a dimension of 1 meter or more will be expressed in meters with the remainder in terms of decimal fractions of the meter. Examples: "25 bags, 500 millimeters x 600 millimeters"; or "50 bags, 750 millimeters x 1.2 meters";

- ii. When the unit bag is gusseted, the dimensions will be expressed as width, depth and length:

- (1) For inch/pound units—expressed in feet, with any remainder in terms of either inches or the common or decimal fractions of the foot. Example: "25 bags, 17 inches x 4 inches x 20 inches"; or "100 bags, 20 inches x 12 inches x 2 ½ feet";

- (2) For metric units—in millimeters, except a dimension of 1 meter or more will be expressed in meters with the remainder in terms of decimal fractions of the meter. Examples: "25 bags, 430 millimeters x 100 millimeters x 500 millimeters"; or "50 bags, 500 millimeters x 30 millimeters x 1.2 meters";

- (3) For other square, oblong, rectangular, or similarly shaped containers—in terms of count, followed by length, width and depth, except depth need not be listed when less than 2 inches or 50 millimeters. Examples: "2 cake pans, 8 inches x 8 inches"; or "2 pans, 203 millimeters x 203 millimeters"; or "roasting pan, 12 inches x 8 inches x 3 inches";

- (4) For circular or other generally round-shaped containers, except cups and the like—in terms of count, followed by diameter and depth, except depth need not be listed when less than 2 inches or 50 millimeters. Example: "4 pie pans, 8 inches diameter x 4 inches"; "2 pie pans, 200 millimeters diameter x 100 millimeters";

- (5) The net quantity statement for containers such as cups, notwithstanding the above requirements, will be listed in terms of count and liquid capacity per unit. Example: "24 cups, 6 fluid ounce capacity"; or "24 cups, 250 milliliter capacity". For purposes of this Section, the use of the term "capacity", "diameter", and "fluid" are optional.

2. Capacity of containers. When the functional use of the container is related by label references in standard terms of measure to the holding capability of a specific quantity of substance or class of substance, such references shall be a part of the net quantity statement and shall specify capacity as follows:

- a. For liquid measure (for containers which are intended to be used for liquids, semi-solids, viscous materials or mixtures of solids and liquids)—the expressed capacity will be stated in terms of the largest whole unit (gallon, quart, pint, ounce, liter), with any remainder in terms of the common or decimal fraction of that unit. Example: "Freezer boxes: 4 boxes, 1 quart capacity, 5 inches x 4 inches x 3 inches" or "Freezer boxes: 4 boxes, 1 liter capacity, 150 millimeters 120 millimeters";

- b. For dry measure (for containers which are intended to be used for solids)—the expressed capacity shall be stated in terms of the largest whole unit (bushel, peck, liter) with any remainder in terms of the common or decimal fraction of that unit. Example: "Leaf bags—8 bags, 6 bushel capacity, 3 feet x 5 feet"; or "8 bags, 200 liter capacity, 85 millimeter x 1.5 meters";

- c. Where containers are used as liners for other more permanent containers, in the same terms as are normally used to express the capacity of the more permanent container. Example: "Garbage can liners—10 liners, 2 feet 6 inches x 3 feet 9 inches. Fits up to 30 gallons"; or "10 liter, 750 millimeters x 1 meter. Fits up to 120 liter cans";

**C. Miscellaneous package types**

1. Aerosol packages and similar pressurized packages shall carry declarations of quantity which shall disclose the net quantity of the commodity (including propellant), in terms of the net weight of the product which will be expelled when the instructions for use, as shown on the container, are followed.

2. On cylindrical or nearly cylindrical containers, information required to appear on the principal display panel shall appear within that 40 percent of the circumference which is most likely to be displayed, presented, shown, or examined under the customary conditions of display for retail sale.

3. When cartons containing 12 eggs have been designed so as to permit division in half by the retail purchaser, the required quantity declaration shall be so positioned as to have its text destroyed when the carton is divided.

- D. Placard labels.** A placard label may be used at the retail level to advertise or label fresh produce. Such produce shall be deemed in compliance with this rule if it is labeled by placard. The placard shall identify the produce, state the unit price per measure or the net weight and the retail or sale price in a prominent and conspicuous manner and in lettering at least 3/8 inches in height.

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1. Whenever the individual packages are labeled, they shall in every respect agree with the information displayed upon the placard; however, if the sale price on the placard differs from the retail price marked on the individual packages, the placard sales price shall prevail.
2. Consumer grades, either USDA or Arizona, may, when the produce is so graded, be displayed upon the placard.

**E. Exemptions**

1. Confectionery—see R20-2-302(C)(1).
2. Tobacco (other than cigarettes)—see R20-2-302(C)(2).
3. Cartons of cigarettes and small cigars, containing 10 individual packages of 20, labeled in accordance with the requirements of this regulation, shall be exempt from the requirements set forth in R20-2-307(A)(2); provided that such cartons bear a declaration of net quantity on the package.
4. Bottles of soft drinks shall be exempt from the placement requirements for the declaration of quantity as set forth in R20-2-307(C)(2), when such declaration is blown, formed or molded on or above the shoulder of the container and when all information required by this regulation appears only on the bottle closure.
5. Packaged commodities measured in terms of count—see R20-2-303(G)(8).

**R20-2-308. Textile Commodities: Prominence and Place of Display of Information**

**A. Definitions**

1. "Textiles" means, for the purposes of this regulation:
  - a. Textile commodities, such as, bedsheets, blankets, pillowcases, comforters, quilts, bedspreads, afghans, dish towels, dish cloths, towels, face cloths, napkins, bath mats, carpets and rugs, pot holders, sewing and handieraft thread; and
  - b. Textile and non-textile commodities, such as mattress covers and pads, throws, dresser and other furniture scarfs, table cloths, flags, curtains and drapes, utility cloths, fixture and appliance covers and slip covers.
2. "Wearing apparel" means, for the purposes of this regulation, textile and non-textile apparel and accessories, such as leather goods and footwear, sold as single unit items or, if normally sold in pairs, such as hosiery, gloves and shoes, sold as single unit pairs.
3. "Permanent label" means a label attached to certain textile and non-textile commodities, as defined above, designated by the Association of Bedding and Furniture Law Officials. Such labels may be perforated so as to allow the purchase to tear them off after purchase.

**B. Permanent labels.** A permanent label, as defined above, shall be in conformity with the regulations of this Article and shall be easily seen by the customers.

**C. Specific commodities**

1. Fitted sheets and mattress covers
  - a. The quantity statement shall state the size designation of the mattress for which the commodity is designed, such as, "twin", "double", and "king".
  - b. The quantity statement shall also state, in inches and/or in centimeters, the length and width of the mattress for which the item is designed. Example: "Twin fitted sheet for 30 inch x 75 inch mattress".
2. Flat sheets
  - a. The quantity statement for flat sheets shall state the size designation of the mattress for which the sheet is designed, such as, "twin", "double", and "king".

- b. The quantity statement also shall state, in inches and/or in centimeters the length and width of the mattress for which the sheet is designed, followed in parentheses by a statement of the length and width of the finished sheet. Example: "Double flat sheet for 100 centimeter x 190 centimeter mattress (170 centimeter x 240 centimeter finished size)".

**3. Pillowcases**

- a. The quantity statement for pillowcases shall state the size designation of the pillow for which the finished pillowcase is designed, such as, "youth", "standard", and "queen".
- b. The quantity statement also shall state, in inches and/or in centimeters, the length and width of the pillow for which the pillowcase is designed, followed in parentheses by a statement of the length and width of the finished pillowcase. Example: "Standard pillowcase for 50 centimeter x 65 centimeter pillow (50 centimeter x 75 centimeter finished size)".

**4. Blankets, comforters, quilts, bedspreads, mattress pads, afghans and throws**

- a. The quantity statement shall state in inches and/or in centimeters the length and width of the finished item.
- b. The quantity statement also may state in inches and/or in centimeters the length of any ornamentation and the size designation of the mattress for which the item is designed, such as, "twin", "double", and "king".

**5. Tablecloths and napkins.** The quantity statement shall state in inches and/or in centimeters the length and width of the finished item.

**6. Curtains, drapes, flags, furniture scarfs and similar commodities**

- a. The quantity statement shall state in inches and/or in centimeters the length and width of the finished item.
- b. The quantity statement also may state parenthetically in inches and/or in centimeters the length of any ornamentation.

**7. Carpets and rugs**

- a. The quantity statement shall state in feet and/or meters (with any remainder in decimal fractions of the meter, for metric sizes, or common or decimal fractions of the foot or inches, for customary sizes) the length and width of the item.
- b. The quantity statement also may state parenthetically in inches and/or in centimeters the length of any ornamentation.

**8. Dish towels, dish clothes, towels, face cloths, utility cloths, bath mats and similar commodities**

- a. When woven, they shall carry a quantity statement which states in inches and/or in centimeters the length and width of the item.
- b. When knitted, they shall carry a quantity statement without dimensions.

**9. Products, such as pot holders, fixture and appliance covers, slip covers and similar commodities, shall carry a quantity statement expressed in terms of count and may include size designations and also dimensions in inches and/or in centimeters.**

**10. Non-rectangular textile and non-textile products identified in this Section shall state the geometric shape of the product and the dimensions customarily used in describing**

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ing such geometric shapes in inches and/or in centimeters. Example: "Oval tablecloth, 54 inches x 42 inches", which, in this case, represents the maximum length and width.

11. Packages of remnants of textile products of assorted sizes, when sold by count, shall bear a quantity statement accompanied by the term "irregular dimensions", and the minimum size of such remnants expressed in inches and/or in centimeters.
12. Variety packages of textiles are required to carry a combined declaration, stating the quantity of each individual unit.

**D. Variations from declared dimensions allowable for textiles. For an item with declared dimensions:**

1. A minus variation greater than 3 percent of a declared dimension shall be considered unreasonable;
2. A plus variation greater than 6 percent of a declared dimension shall be considered unreasonable.

**E. Threads**

1. Sewing and handcraft threads
  - a. The net quantity statement for sewing and handcraft thread shall be expressed in terms of yards and/or meters;
  - b. The net quantity statement for yarns shall be expressed in terms of weight;
  - c. Thread products may, in lieu of name and address, bear a trademark symbol, brand or other mark that positively identifies the manufacturer, packer or distributor, provided that such marks, employed to identify the vendor, shall be filed with the Department.
2. Industrial thread
  - a. Industrial thread shall be marked to show its net measure in terms of length or its net weight in terms of grams or avoirdupois pounds or ounces.
  - b. Ready-wound bobbins, which are not sold separately, shall not be required to be individually marked, but the package containing such bobbins shall be marked to show:
    - i. The number of bobbins contained therein; and
    - ii. The net yards and/or meters of thread on each bobbin.

**F. Exemptions**

1. Wearing apparel, as defined in R20-2-308(A)(2) shall be exempt from the requirement for net quantity statement by count.
2. Textiles (other than wearing apparel), as defined in R20-2-308(A)(1) shall be exempt from the requirements of other regulations in this Article, except as noted in this Section.
3. Variety packages of textiles shall be exempt from the requirement for labeling standards, as stated in R20-2-306, covering:
  - a. Location;
  - b. Free area and
  - c. Minimum height of numbers and letters.

**R20-2-309. Prominence and Placement: Nonconsumer Packages**

- A. All information required to appear on a nonconsumer package shall be definitely and clearly stated thereon.
- B. Any required information that is either in hand lettering or hand script shall be entirely clear and equal to printing in legibility.

**R20-2-310 Labeling Polyethylene Commodities**

- A. Definition. The term "polyethylene", when applied to sheeting, bags, lay-flat tubing, sheets, drop cloths and tarpaulins, shall mean commodities manufactured with thicknesses of 10 mils (0.010 inch) or less. The commodities shall be made from polyethylene or modified polyethylene, such as ethylene copolymer, consisting of a major proportion of ethylene in combination with a minor proportion of some other monomer, or a mixture of polyethylene with a lesser amount of other polymers. It may contain additives or modifiers such as pigments and stabilizers.
- B. For polyethylene sheeting in consumer packages, the declaration of quantity shall be expressed in terms of:
  1. Thickness, in mils (0.001 inch); and
  2. Width and length.
- C. For polyethylene sheeting in nonconsumer packages, the declaration of quantity shall be expressed in terms of:
  1. Thickness, in mils (0.001 inch);
  2. Width and length; and
  3. Net weight, with any remainder expressed in common or decimal fractions. A decimal fraction shall not be carried out to more than two decimal places.
- D. For rolls, bales, and containers of bags and sheets and other polyethylene commodities in package form, the declaration of quantity shall be expressed in terms of:
  1. The count of usable units;
  2. Width and length of each unit (dimensions of gusseted bags shall be expressed as width, depth and length);
  3. Thickness, in mils (0.001 inch); and
  4. A statement of weight on nonconsumer commodities.
- E. For drop cloths and tarpaulins, the declaration of quantity shall be expressed in terms of:
  1. The width and length in largest unit of measure; and
  2. The thickness, in mils (0.001 inch).
- F. For lay-flat tubing, the declaration of quantity shall be expressed in terms of:
  1. The width, in inches and/or in centimeters;
  2. The length, in feet and/or meters;
  3. The thickness, in mils (0.001 inch); and
  4. Net weight, with any remainder expressed in common or decimal fractions. A decimal fraction shall not be carried to more than two decimal places.

**R20-2-311. Voluntary Open Dating and Pull Dating**

**A. Definitions**

1. "Food commodity in package form" means a food commodity put up or packaged in any manner in advance of sale. Where the term "food package" is used in this regulation, it shall mean "food commodity in package form", as herein defined.
2. "Open date" means a manner of expressing the pull date which is meaningful to the consumer.
3. "Perishable food commodity" means any food commodity in package form which the manufacturer or packer determines as having a significant risk of spoilage and loss of value and/or palatability; provided that the term does not include meats, poultry, seafood and fresh produce.
4. "Pull date" means the last date on which a perishable food commodity should be sold without a significant risk of spoilage and loss of value and/or palatability.

**B. General application**

1. Except for consumer packages and commodities in package form, open dated in accordance with existing federal regulations, any open dating information provided or



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- required for any perishable food commodity shall be provided in the manner prescribed in this Section:
2. The date referred to in this regulation shall be construed to be the "pull date", as defined above.
- C. Manner of expressing date
1. The date may be accompanied by a statement appropriately identifying it as a pull date by the use of such terms as "sell by" or words of similar import.
  2. The date shall conform to the following requirements:
    - a. It shall show first the month and then the day of the month, followed by the year, if used;
    - b. The month shall be shown by:
      - i. Letters that clearly identify the month, or
      - ii. Digits "1" through "12", where "1" signifies January, "2" signifies February, and so on through to "12" which signifies December;
    - c. The day of the month shall be shown by the digits "1" through "2" to show the date within the month specified;
    - d. The digits of the month shall be separated from the digit or digits for the date within the month by a space, a dash, an asterisk or another symbol.
- D. Placement of the date
1. If the date permitted by this regulation is used, it shall be placed on each package made available to purchasers.
  2. If used, the date shall be presented in a size, manner, and style clearly and easily legible to the purchaser at the time of purchase.
  3. With bagged food commodities, the date may be expressed in an easily legible manner on the closure of the bag.

**R20-2-312. Unit Pricing**

- A. Definitions
1. "Unit" or "appropriate sub-unit" means a quantity adopted as a standard of measurement.
  2. "Food" means a commodity intended for human or animal consumption.
  3. "Cleaning products" mean dry detergents, soap powders, soaps, liquid detergents, scouring powders, scouring liquids and window cleaners.
  4. "Wrapping products" mean those wrapping products made from paper, plastic or aluminum.
  5. "Paper products" mean napkins, towels, tissues and toilet paper.
  6. "Retail" means the sale of commodities to ultimate consumers or purchasers.
- B. Application
1. Any person who offers for sale food, cleaning, wrapping and paper products at retail and who chooses to offer cost per unit information shall do so by proclaiming:
    - a. The brand name of the item;
    - b. The quantity declaration of the package;
    - c. Product identity;
    - d. The total retail price; and
    - e. The price per appropriate unit of measure.
  2. Declaration of quantity appropriate of unit or sub-unit
    - a. For commodities with quantity declarations by net weight, the appropriate unit or sub-unit shall be pounds or ounces.
    - b. For commodities with quantity declarations by volume, the appropriate unit or sub-unit shall be quart or fluid ounces.
    - c. For commodities with quantity declarations by count, the appropriate unit or sub-unit shall be by count with multiples of 10.

- d. For commodities with quantity declarations by area, the appropriate unit or sub-unit shall be square yard or square feet with multiples of 10.
  - e. For the purposes of this regulation bulk tea and tea bags shall be considered as two different commodities.
3. Cost per unit information when followed shall be displayed in one of the following manners:
    - a. On each package by means of a sticker, stamp, sign, label or tag;
    - b. On the shelf by means of a sticker, stamp, sign, label or tag;
    - c. On a sign clearly and conspicuously displayed as near as practicable to all items to which it refers.
  4. The units used for cost per unit information shall be in the same unit or appropriate sub-unit as the primary declaration on the item.
  5. The same unit or measure or appropriate sub-unit shall be used for all brands and sizes of similar type products with like quantity declarations.
  6. The unit price information shall be expressed at least to the nearest tenth of one cent when less than one dollar and to the nearest cent when one dollar or more.
- C. Exemptions
1. Any product offered for sale, the net quantity of which is less than one ounce or one fluid ounce or the total retail price of which does not exceed fifty cents is exempt from the provisions of this rule.
  2. Any product offered for sale in only one brand and in only one size is exempt from the provisions of this rule.
  3. In-house bakery products, if physically segregated from similar products of other producers, are exempt from the requirements of this regulation.
  4. Gourmet or specialty products, if physically segregated from other products of similar generic types, are exempt from the requirements of this regulation.

**R20-2-313. Retail Sale Price Representation**

- A. Definitions
1. "Cents-off representation" means any printed matter consisting of the words "cents-off" or words of similar import, placed on or adjacent to any consumer package, stating or representing, by implication, that it is being offered for sale at a price lower than the ordinary and customary retail sale price.
  2. "Economy size" means any printed matter consisting of words "economy size" or words of similar import placed on or adjacent to any consumer commodity, stating or representing, directly or by implication, that a retail sale price advantage is accorded the purchaser by reason of the size of that package or the quantity of its contents.
  3. "Ordinary", "customary" and "regular", when used with the term "price", mean the price at which a consumer commodity has been openly and actively sold in the more recent and regular course of business in a particular market or trade area.
  4. "Point-of-sale pricing systems" mean those systems that utilize the universal product code (UPC) scanner system, the stock-keeping unit (SKU) system, the price look-up (PLU) system, which utilize manually entered digits, the digital reader system which scans digital codes to determine price, or any other electronic scanning or coding system to determine item price at point of sale.
- B. "Cents-off representation"

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1. The packager or labeler of a consumer commodity shall not have imprinted thereon a "cents-off representation" unless:
    - a. The commodity has been sold previously at an ordinary and customary price in the most recent and regular course of business where the "cents-off" promotion is made;
    - b. The commodity so labeled is sold at a reduction from the ordinary and customary price at least equal to the amount of the "cents-off representation" imprinted on the commodity or package; and
    - c. Each "cents-off representation", imprinted on the package or label, is limited to a phrase which reflects that the price marked by the retailer actually represents savings in the amount of the "cents-off" the retailer's regular price.
  2. No "cents-off" promotion shall be made available in any circumstances where it is known or there is reason to know that it will be used as an instrumentality for deception or for frustration of value comparison, e.g., where the retailer charges a price which does not fully pass on to the consumers the represented price reduction.
- C. "Economy size"**
1. The packager or labeler shall not have imprinted on a consumer commodity an "economy-size" representation unless:
    - a. At the same time, the same brand of the commodity is offered in at least one additional packaged size or labeled size form;
    - b. It is the only packaged or labeled size of that brand of commodity labeled with an "economy-size" representation to be offered; and
    - c. The commodity labeled with an "economy-size" representation is sold at a price per unit of weight, volume, measure or count which is reduced from the actual price of all other packaged or labeled units of the same brand of that commodity offered simultaneously.
  2. No "economy-size" packages shall be made available in any circumstances where it is known that it will be used as an instrumentality for deception, e.g., where the retailer charges a price which does not pass on to the consumer the reduction in cost per unit initially granted.
- D. When point-of-sale pricing is utilized, a price shall be displayed in Arabic numerals in the immediate area where the commodity is displayed for sale and shall comply with the following:**
1. Numerals shall be no less than 3/8 inch in height, in bold print, and legible and visible at all times.
  2. When displayed on shelves or containers 18 inches or less from the floor, such price tag or label shall face the aisle and be tilted between 15 and 45 degrees away from vertical.
- E. When point-of-sale pricing is not utilized, each item for sale shall bear on the outside of the package a clear declaration of price in addition to the price labeling requirements of R20-2-23(D)(1) and (2).**

**ARTICLE 4. METHOD OF SALE OF COMMODITIES**

**R20-2-401. Meat, Poultry and Seafood**

**A. Application**

1. Meat, poultry and seafood shall be sold by weight.
2. In the case of ready-to-cook, stuffed poultry products, the label must show the total net weight of the combined product and the net weight of the poultry.

3. When meat, poultry, or seafood are combined with some other food element to form a distinctive food product, the quantity representation may be in terms of the total weight of the product. A quantity representation need not be made for each item.

**B. Exemptions. The following foods are exempt from the above requirements, since they may be sold by weight, measure or count:**

1. Shellfish;
2. Items sold for consumption on the premises;
3. Items sold as one of several elements comprising a ready-to-eat meal sold as a unit for consumption elsewhere than on the vendor's premises;
4. Items sold as part of a sandwich.

**R20-2-402 Milk and Milk Products**

**A. All fluid milk products, including but not limited to milk, low-fat milk, skim milk, cultured milk and cream shall be packed for retail sale:**

**1. In units of inch/pound measure:**

- a. 1 gill (although packages of less than 1 gill are permitted);
- b. 1/2 liquid pint;
- c. 10 fluid ounces;
- d. 1 liquid pint;
- e. 1 liquid quart;
- f. 1/2 gallon;
- g. 1 gallon;
- h. 1 1/2 gallons, or
- i. In multiples of 1 gallon; or

**2. In the metric equivalents of the above; or**

**3. In units of metric measure:**

- a. 125 milliliters (although packages of less than 100 milliliters are permitted);
- b. 250 milliliters;
- c. 500 milliliters;
- d. 1 liter, or
- e. Multiples of 1 liter.

**B. Milk products which are solid, semi-solid, viscous or a mixture of solid and liquid**

1. Cottage cheese, cottage cheese products and other milk products which are solid, semi-solid, viscous or a mixture of solid and liquid, as defined in the Pasteurized Milk Ordinance of the U.S. Public Health Service, as amended, shall be sold in terms of net weight; however,
2. Sour cream and yogurt shall be packaged for retail sale only in units of:

- a. Whole ounce increments; or
- b. The metric equivalent of the above; or
- c. 25 gram increments.

**C. Butter—see R20-2-403(D).**

**R20-2-403. Miscellaneous Food Commodities**

**A. Definition**

1. "Stale or day-old bread" means bread past its pull date.
2. "Pull date"—see R20-2-21(A)(4).

**B. Berries and small fruits**

1. These products shall be offered for sale and sold by weight or by measure in open containers having capacities of:

- a. Units of inch/pound measure—1/2 dry pint, 1 dry pint, 1 dry quart and multiples of dry pints or dry quarts; or
- b. The metric equivalents of the above; or
- c. Units of metric measure—250 milliliters, 500 milliliters or 1 liter.



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2. When sold by measure, the containers shall not be considered to be packages for labeling purposes.
- C. Bread. Each loaf of bread and each unit of a twin or multiple loaf offered for sale or sold, shall weigh:
1. In inch/pound measure — ½, 1 and 1 ½ pounds or multiples of one pound; or
  2. In the metric equivalents of the above; or
  3. In metric measure — 250, 500, and 750 grams or in multiples of 500 grams.
- D. Butter, oleomargarine and margarine shall be offered for sale and sold by weight only in:
1. Inch/pound units of ¼, ½ or 1 pound or multiples of one pound; or
  2. In the metric equivalents of the above; or
  3. In metric units of 125, 250, 500 grams or multiples of 500 grams.
- E. Wheat flour, whole wheat flour, graham flour, self rising flour, phosphated wheat flour, bromated flour, enriched flour, corn flour, corn meal and hominy grits, whether enriched or not, if packaged, shall be offered for sale and sold by weight only:
1. In inch/pound units of 2, 5, 10, 25, 50 or 100 pounds; or
  2. In the metric equivalents of the above; or
  3. In metric units of 1, 2.5, 5, 10, 25 and 50 kilograms.
- F. Pickles
1. The declaration of net quantity of contents on bottles of pickles or pickle products, including relishes, shall be expressed in terms of fluid ounces.
  2. Whole pickles in a transparent wrapping may be declared by count.
  3. Sales of pickles from bulk may be by count.
- G. Exemptions
1. Biscuits, buns, specialty breads or rolls are exempt from the provisions of R20-2-403© of this regulation.
  2. "Day old" or stale bread, sold and expressly represented as such at the time of sale, is exempt from the provisions of R20-2-403© of this regulation. Moreover, the wrappers of such items shall not be considered as packages for labeling purposes.

**R20-2-404. Lumber**

**A. Definitions**

1. "Dressed" (surfaced lumber) means lumber that has been dressed (or surfaced) for the purpose of attaining smoothness of surface and uniformity of size.
2. "Boards" means lumber 1 ¼ inches or less in actual thickness and 1 ½ inches or more in actual width. Boards less than 5 ½ inches in actual width may be classified as strips.
3. "Timbers" means lumber 4 ½ inches or more in least actual dimensions. Timber may be classified by such terms as: "beams", "stringers", "posts", "caps", "sills", "girders" or "purlins".
4. "Dimension lumber" means lumber from 1 ½ inches to, but not exceeding, 4 ½ inches in actual thickness and 1 ½ inches or more in actual width. Dimension lumber may be classified as: "framing", "joists", "planks", "rafters", "studs", "small timbers", etc.
5. "Rough lumber" means lumber that has not been dressed but which has been sawed, edged and trimmed at least to the extent of showing saw marks in the wood on the 4 longitudinal surfaces of each piece for its over-all length.
6. "Matched lumber" means lumber that has been worked with a tongue on one edge of each piece and a groove on the opposite edge to provide a close tongue and groove

joint by fitting two pieces together; and when end-matched, the tongue and groove are worked in the ends also.

7. "Patterned lumber" means lumber that is shaped to a pattern or to a molded form, in addition to being dressed, matched, or shiplapped or any combination of these workings.
8. "Shiplapped lumber" means lumber that has been worked or rabbeted on both edges of each piece to provide a close lapped joint by fitting two pieces together.
9. "Grade" means the commercial designation assigned to lumber meeting specifications established by a nationally recognized grade rule writing organization.
10. "Species" is the commercial name assigned to a species of tree.
11. "Species group" means the commercial name assigned to two or more individual species having similar characteristics.
12. "Representation" means any advertisement, offering, invoice or the like that pertains to the sale of lumber.
13. "Minimum dressed sizes" (width and thickness) means the standardized width and thickness at which lumber is dressed when manufactured in accordance with the U.S. Department of Commerce Voluntary Product Standard 20-70, "American Softwood Lumber Standard", and regional grading rules conforming to VPS 20-70.

**B. Application**

1. This section applies to softwood boards, timbers, and dimension lumber that have been dressed on four sides.
2. Minimum standard dressed sizes at the time of manufacture for both unseasoned (green) and dry lumber (as published by the U.S. Department of Commerce in Voluntary Product Standard 20-70) shall be as set forth in the following table:

**Minimum Standard Dressed Sizes of Lumber**

**Product      Minimum Dressed Sizes (see note 2)**

Classification	Unseasoned	Dry
INCHES	INCHES	INCHES
<b>Dimension lumber</b>		
2 x 4	1 9/16 x 3 9/16	1 ½ x 3 ½
2 x 6	1 9/16 x 5 5/8	1 ½ x 5 ½
2 x 8	1 9/16 x 7 ½	1 ½ x 7 1/4
2 x 10	1 9/16 x 9 ½	1 ½ x 9 1/4
2 x 12	1 9/16 x 11 ½	1 ½ x 11 1/4
<b>(see note 1)</b>		
<b>Board lumber</b>		
1 x 4	25/32 x 3 9/16	3/4 x 3 ½
1 x 6	25/32 x 5 5/8	3/4 x 5 ½
1 x 8	25/32 x 7 ½	3/4 x 7 1/4
1 x 10	25/32 x 9 ½	3/4 x 9 1/4
1 x 12	25/32 x 11 ½	3/4 x 11 1/4

Note 1. The dry thicknesses of nominal 3" and 4" lumber are 2 ½ and 3 ½; unseasoned thicknesses are 2 9/16 and 3 9/16. Widths for these thicknesses are the same as shown above.

Note 2. Voluntary Product Standard 20-70 defines dry lumber as being 19 percent or less in moisture content and unseasoned lumber as being over 19 percent moisture content. The size of lumber changes approximately 1 percent for each 4 percent change in moisture content. Lumber stabilizes at approximately 15 percent moisture content under normal use conditions.

3. Representations shall include a declaration of identity that specifies the trade or grades, species or species

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group, and whether the lumber is unseasoned (green) or dry.

4. Representations shall be in terms of:

- a. The number of pieces;
- b. The minimum dressed width and thickness; and
- c. The length of individual pieces of the lineal footage, except that:
  - i. The use of nominal dimensions shall be allowed when used in conjunction with the required minimum dressed sizes and actual length;
  - ii. With respect to all invoices, a table of minimum dressed sizes may appear on the reverse side of the invoice, so long as appropriate reference to the table is prominently and conspicuously shown on the face of the invoice.
  - iii. Any dimensions required by this Section may be expressed in terms of its conventional metric measure.

C. Exemption. Rough lumber and lumber that has been matched, patterned or shiplapped, or lumber manufactured or joined so as to have changed the form of its identity (such as individual, assembled or packaged millwork items), are exempt from the provisions of this regulation.

**R20-2-405 Roofing and Roofing Materials**

A. Definitions

1. "Square", for the purposes of this regulation, means the quantity of roofing or roofing material that, when applied according to directions or instructions of the manufacturer, will cover an area of 100 square feet, exclusive of side laps or side joints; provided that in the case of roofing or roofing materials of corrugated design, the side lap or side joint shall be one full corrugation.
2. "Square foot", for the purposes of this regulation, means the quantity of roofing or roofing material that, when applied according to the directions or instructions of the manufacturer, will cover 1 square foot (144 square inches) exclusive of side laps or side joints.
3. "Square meter", for the purposes of this regulation, means the quantity of roofing or roofing material that, when applied according to directions or instructions of the manufacturer, will cover 1 square meter, exclusive of side laps or side joints.

B. Roofing and roofing material shall be sold either by the square, square foot or square meter, or by count.

C. When the declaration of quantity on a package of roofing or roofing material contains the term "square", it shall include, plainly and conspicuously, a numerical definition of the term "square"; for example: "One square covers 100 square feet of roof area."

D. Common fraction. The use of the common fraction 1/3 is specifically authorized in the quantity statement on a package of roofing or roofing material when, and only when, it is used as the common fraction of the "square".

E. Quantity statement

1. The primary declaration shall be only in terms of:
  - a. Inch/pound measure — either squares or square feet;
  - b. Metric measure — square meters.
2. There is no prohibition against the use of supplementary quantity declarations, such as shingle dimensions, but in no case shall the commodity be sold by weight.
3. The use of numerical descriptions for rolls of felt roofing material may continue to be used.

**R20-2-406. Peat and Peat Moss**

A. Definition. "Peat and peat moss" means organic matter of geological origin, excluding coal and lignite, originating principally from dead vegetative remains through the agency of water in the absence of air and occurring in a bog, swamp, land or marsh, and containing an ash content not exceeding 25 percent on a dry weight basis (dried in an oven at 221°F [105°C] until no further weight loss can be determined).

B. The declaration of quantity of peat or peat moss shall be expressed in weight units or in cubic measure.

C. Weight units. The commodity shall be offered for sale and sold only:

1. In inch/pound units of 3, 10, 20, 40 and 50 pounds; or
2. In metric units of 1, 2, 5, 10 and 20 kilograms.

D. Cubic measure

1. Peat and peat moss, sold in terms of cubic measure, shall be offered and sold only in volumes per R20-2-406(C)(1) or R20-2-406(C)(2) above.

2. Compressed cubic measure. If the commodity is labeled in terms of compressed cubic measurement, the quantity declaration shall represent the quantity in the compressed state.

3. The volumes shall be expressed in terms of:

- a. Inch/pound volumes of 0.2, 0.3, 0.5, 0.7, 1, 2, 4, 5.5 and 6 cubic feet; or
- b. In the metric equivalents of the above.

**R20-2-407. Prefabricated Utility Buildings**

A. Prefabricated utility buildings shall be offered for retail sale on the basis of usable inside space as follows:

1. Length — measured from the inside surface of the wall panels at the base;
2. Width — measured from the inside surface of the wall panels at the base;
3. Height — measured from the base to the top of the shortest wall panel.

B. The declaration in units shall be:

1. In inch/pound units to the nearest inch; or
2. In metric units to the nearest 0.01 meter.

C. Supplemental declaration. If total usable inside space is declared in a supplemental declaration, it shall be to the nearest cubic decimeter or cubic foot.

**R20-2-408. Fireplace and Stove Wood**

A. Definitions

1. "Fireplace and stove wood" means, for the purposes of this regulation, any kindling, logs, boards, timbers, or other wood, natural or processed, split or not split, advertised, offered for sale or sold as fuel.

2. "Cord" means, for the purposes of this regulation, the amount of wood which is contained in a space of 128 cubic feet (usually 4 ft x 4 ft x 8 ft) when the wood is ranked and well stowed.

3. "Ranked and well stowed" means, for the purposes of this regulation, that pieces of wood are placed in a line or a row, with individual pieces touching and parallel to each other, and stacked in a compact manner.

B. Application

1. Declaration of quantity

a. Bulk sale. Fireplace and stove wood shall be offered for sale and sold only by the cord or fractional parts of the cord.

b. Pre-packaged wood. Pre-packaged wood, natural and processed, shall be sold either by weight or by the count.

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- e. Single logs. Single logs, natural or processed, shall be sold by weight.
- 2. Prohibited terms. The terms "face cord", or "rack", "pile", "truck load", or terms of similar import shall not be used to offer or to sell wood for use as fuel.
- C. Exemption. Bulk industrial scrap lumber, sold on the premises where generated for use as fireplace and stove wood, is exempt from the provisions of this regulation.

**R20-2-409. Hay, Coal and Other Bulk Commodities**

- A. Hay
  - 1. Hay shall be offered for sale and sold by weight for quantities greater than 1 ton avoirdupois or 1,000 kilograms.
  - 2. Quantities less than 1 ton avoirdupois or 1,000 kilograms may be sold by the bale.
  - 3. No person may insert anything in any bale of hay for the purpose of increasing the net weight of any bale or may otherwise adulterate the bale of hay.
  - 4. In cases of sales in excess of 20 dollars, the transaction shall comply with R20-2-409C below.
- B. Coal, coke and charcoal
  - 1. These items shall be offered for sale and sold by weight, either in the inch/pound or the metric systems.
  - 2. Any commercial delivery of these fuels, if not in package form, shall meet the requirements of R20-2-409C below.
- C. Bulk commodities. Whenever the quantity is determined by the seller, all sales of bulk commodities in packaged form (including, but not limited to, turquoise, silver, coral, grain or heating fuels, such as propane, butane or fuel oil) in excess of 20 dollars shall be accompanied by a delivery ticket containing the following information:
  - 1. The name and address of the vendor and purchaser;
  - 2. The date delivered;
  - 3. The quantity delivered and the quantity upon which the price is based, if this differs from the quantity delivered;
  - 4. The price per unit and the total price; and
  - 5. The count of individually wrapped packages, if more than one.

**R20-2-410. Miscellaneous Non-food Items**

- A. Coatings, such as asphalt paints, plastics and other forms of coating shall be sold in terms of liquid measure.
- B. Sealants, such as caulking compounds, glazing compounds and putty shall be sold in terms of weight.
- C. Ice shall be offered for sale or sold at retail in terms of weight. If ice is dispensed by vending machine, the machine shall be labeled in accordance with Section R20-2-412 of this Article.

**R20-2-411. Vehicle Fluids**

- A. Definitions
  - 1. "Vehicle fluids" means, but is not limited to, commodities such as antifreeze, automatic transmission fluid, brake fluid and power steering fluid.
  - 2. "Antifreeze" means all substances and preparations intended for use as the cooling medium (or to be added to the cooling liquid) in the cooling system of internal combustion engines to prevent freezing of the cooling liquid or to lower its freezing point.
  - 3. "Automatic transmission fluid" means a product intended for use in a vehicle as either a lubricant, coolant or liquid medium in any type of fluid transmission or in any other type of unit, through which or by which

force, energy or power is transferred from a motor vehicle engine to the driving assembly.

- 4. "Brake fluid" means the fluid intended for use as the liquid medium through which force is transmitted in the hydraulic brake system of a vehicle.
- 5. "Power steering fluid" means the fluid intended for use in the power assist mechanism for the steering system of a vehicle.
- B. Adulteration and misbranding. It shall be unlawful to keep with intent to offer for sale or to sell or to place in use adulterated or misbranded vehicle fluids.
  - 1. Adulterated vehicle fluids. A vehicle fluid shall be considered to be adulterated:
    - a. If it consists in whole or in part of any substance which will render it injurious to the system in which it is intended to be used; or
    - b. Will make the operation of the system dangerous to the user; or
    - c. If its strength, quality or purity falls below the standards of strength, quality or purity under which it is sold.
  - 2. Misbranded vehicle fluids. A vehicle fluid shall be considered to be misbranded:
    - a. If its labeling is false or misleading in any particular; or
    - b. If in package form it does not bear a label containing the name and place of business of the manufacturer or distributor; and
    - c. An accurate statement of the quantity of the contents in terms of weight or measure on the outside of the package.
- C. Additives. Any material used, offered for sale or sold as an additive to, or to be used in mix with, any vehicle fluid shall be compatible with that product.

**R20-2-412. Vending Machines**

- A. All vending machines shall indicate:
  - 1. The product identity;
  - 2. The net quantity; and
  - 3. The name, address and telephone number of the party responsible for the machine.
- B. The requirements for product identity and net quantity can be met either by the display of the commodity or by information posted on the outside of the machine.

**ARTICLE 5. PUBLIC WEIGHMASTERS**

**R20-2-501. Public Weighmaster**

- A. Definitions. The following definitions apply generally to this Article:
  - 1. "Natural person" means an individual human being as opposed to an organization.
  - 2. "Public scale" means a scale used in conjunction with public organization.
  - 3. "Public weighing" means the weighing for hire of property, produce, commodities, or articles (other than those which the weigher or his employer, if any, is either buying or selling), and the issuing of a weight certificate to any person, upon request.
  - 4. "Public weighmaster" — see R20-2-101(B)(9).
  - 5. "Registered service agency" — see R20-2-101(B)(10).
  - 6. "Registered service agent" — see R20-2-101(B)(11).
  - 7. "Scale location" means the physical location of a licensed weighing device.
  - 8. "Seal of authority" means a stamp or press capable of reproducing the official mark of the State Administra-

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tion of Weights and Measures, signifying that the user of the stamp has the right to issue weight certificates:

9. "Weight certificate" means a document, in a form approved by the Department, issued by a public weighmaster and intended to be accepted as the accurate statement of the weight of the object or objects to which it pertains:

**B. Application**

1. Duties of a public weighmaster. The public weighmaster:
  - a. Shall, unless specifically exempted in writing by the Director or his agents, be available at the scale location and be responsible for its day to day operation and maintenance;
  - b. Shall make sure that scales are used properly according to regulations;
  - c. Shall accurately and honestly issue weight certificates;
  - d. Shall maintain at each scale location, for a minimum of one year, a legible copy of each weight certificate issued by him. These copies shall be open at all reasonable times for inspection by any State Administration of Weights and Measures official;
  - e. Shall keep a seal of authority at each scale location and make it available for inspection during all hours of business;
  - f. May designate a deputy public weighmaster(s) in the manner prescribed in this regulation and shall share equal responsibility for all acts performed by the deputy(ies).
2. Minimum qualifications for a public weighmaster. The public weighmaster:
  - a. Shall be a natural person of at least 18 years of age;
  - b. Shall have the ability to operate a scale accurately;
  - c. Shall have the ability to properly execute weight certificates.
3. Deputy public weighmaster
  - a. The minimum qualifications for a deputy public weighmaster shall be the same as for a public weighmaster.
  - b. The Director or his agents must be notified in writing within 5 days of either the designation or the deletion of a deputy public weighmaster.
4. Licensing of a public weighmaster
  - a. An individual meeting the qualifications for public weighmaster, as set forth in this regulation, may apply for a license on a form to be supplied by the Department. This form, duly signed by the applicant, shall include a representation or evidence by the applicant that he or she has full knowledge of all appropriate weights and measures laws, rules and regulations.
  - b. The application form shall be substantially as follows:

**STATE ADMINISTRATION OF WEIGHTS AND MEASURES**

**PUBLIC WEIGHMASTER LICENSE APPLICATION**  
**IMPORTANT: READ THE RULES AND REGULATIONS PERTAINING TO PUBLIC WEIGHMASTERING BEFORE COMPLETING THIS APPLICATION (R20-2-501 thru R20-2-505).**  
**PROPER AND ACCURATE COMPLETION OF THIS FORM IS MANDATORY FOR CERTIFICATION AS A PUBLIC WEIGHMASTER.**

**IF YOU DO NOT UNDERSTAND OR CANNOT COMPLETE ANY PART REQUIRED, CALL FOR CLARIFICATION OR INSTRUCTIONS.**

**A FEE OF \$40 PER PUBLIC WEIGHMASTER MUST ACCOMPANY THIS APPLICATION (SEE R20-2-501(B)(4)(d)). MAKE CHECK PAYABLE TO: STATE ADMINISTRATION OF WEIGHTS AND MEASURES.**

**PART A: FOR BUSINESS RECEIVING FORM**

**NAME OF BUSINESS**

**PHYSICAL ADDRESS**

**CITY STATE ZIP PHONE**

**MAILING ADDRESS**

**CITY STATE ZIP PHONE**

**PLEASE CHECK ONE:**

**THE ABOVE IS: Main office, regional office or only location (Answer part C)\*\***

**PART B: HOME OR REGIONAL OFFICE INFORMATION**

**NOTE: COMPLETE THE INFORMATION BELOW FOR THE OFFICE MOST DIRECTLY RESPONSIBLE FOR YOUR OPERATION IN ARIZONA. THIS MAY BE YOUR HOME OFFICE OR A REGIONAL OFFICE.**

**NAME OF OWNER, OWNING COMPANY, ETC. Date**

**MAILING ADDRESS**

**CITY STATE ZIP PHONE**

**\*\*NOTE: FOR PART C YOU MUST COMPLETE THE LOCATION INFORMATION FOR EACH WEIGHMASTER STATION THAT YOU DESIRE CERTIFIED.**

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**PART C: PUBLIC WEIGHMASTER LOCATIONS (see R20-2-502)**

**NAME OF BUSINESS OR LOCATION**

**PHYSICAL (STREET) ADDRESS**

**CITY STATE ZIP PHONE**

**MAILING ADDRESS**

**CITY STATE ZIP PHONE**

**NAME OF PUBLIC WEIGHMASTER DATE**

**DEPUTY WEIGHMASTER(S) IF ADDITIONAL SPACE IS REQUIRED, USE SEPARATE SHEET**

**1. -4.**

**2. -5.**

**3. -6.**

**NAME OF SCALE OWNER**

**ADDRESS CITY STATE ZIP**

**SCALE DESCRIPTION: PLATFORM SIZE**

**MFG. SERIAL #**

**YR MFR. CAPACITY**

**PUBLIC WEIGHMASTER APPLICANT:**

**This is to certify that I have full knowledge of the Law and Rules and Regulations and will, upon licensing by the State as public weighmaster, operate in accordance with said Law and Rules.**

**SIGNATURE (PUBLIC WEIGHMASTER APPLICANT)**  
**DATE**

**COMMERCIAL LICENSE HOLDER (IF OTHER THAN PUBLIC WEIGHMASTER) COMPLETE BELOW:**

**I, certify that I am the licensee of record of a scale located at Arizona, and I consent to the use of this scale for public weighing by:**

**(NAME) SIGNATURE (LICENSE HOLDER)**  
**DATE**

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- e. An applicant may be required to submit appropriate evidence or reference concerning his or her quali-

eations and shall be examined regarding his or her competence or qualifications as determined by the Department.

- d. ~~Before the issuance of any license as a public weighmaster, or any renewal thereof, the applicant shall pay an annual fee of \$40.00. This fee is supplemental to any other fee required for the licensing of the scale.~~
  - e. ~~The holder of a public weighmaster's license may transfer his license to another scale location within the same company or transfer it to another person within the same company upon written notification to the Department, provided that the person to whom the license is transferred meets the requirements of R20-2-501(B)(2) above.~~
  - f. ~~The Department may suspend, revoke, refuse to renew or deny a public weighmaster's license, if, after the appropriate statutory hearing, the Director or his agent has determined that the individual does not have the ability to weigh accurately; does not have the reliability to make correct weight certificates; and/or has been found, at previous administrative proceedings of the State Administration of Weights and Measures, to have violated, or has been convicted in any court of competent jurisdiction of violating, any provision of A.R.S. Title 41, Chapter 15, or any of the rules or regulations promulgated thereunder.~~
  - g. ~~No scale may be operated for public weighing unless a license has been issued to a public weighmaster to operate that scale.~~
5. ~~Malefeasance by a public weighmaster means:~~
- a. ~~Falsification of a weight certificate;~~
  - b. ~~Delegation of his authority, except as provided by these regulations;~~
  - c. ~~Improper use of his seal of authority;~~
  - d. ~~Presigning certificates for later use;~~
  - e. ~~Making changes or alterations on weight certificates; or (If an error is made, the weight certificate shall be voided and maintained and a new one issued.)~~
  - f. ~~Using for public weighing a scale that is not properly licensed.~~
- C. ~~Exemptions~~
- 1. ~~A person weighing property, livestock or commodities that he or his employer is either buying or selling for his own account shall not obtain a license as a public weighmaster.~~
  - 2. ~~A person weighing property, livestock or commodities in conjunction with or on behalf of a publicly sponsored or nonprofit organization, sponsored exposition, or fair or show event shall not obtain a license as a public weighmaster.~~

**R20-2-501. Qualifications; License and Renewal Application Process**

- A. A public weighmaster shall have the following minimum qualifications:
  - 1. Be a person at least 18 years old;
  - 2. Be able to operate a scale accurately; and
  - 3. Be able to execute weight certificates properly.
- B. A deputy public weighmaster shall have the same minimum qualifications as a public weighmaster. A public weighmaster who designates a deputy public weighmaster shall notify the Department in writing within 5 days of designating a deputy. A deputy shall not perform the duties of a deputy public

weighmaster until the deputy has passed the written weighmaster exam administered by the Department.

- C. An individual meeting the qualifications for public weighmaster, as set forth in this Section, may apply for a license on a form supplied by the Department.

- 1. The application form may require:
  - a. The applicant's name, address, and telephone number;
  - b. A representation by the applicant that the applicant knows and understands all applicable weights and measures laws and rules;
  - c. The name, address, and telephone number for each location of the applicant's business;
  - d. The name, address, and telephone number of each of the applicant's public weighmaster locations;
  - e. The name of each deputy public weighmaster;
  - f. The name and address of the scale owner;
  - g. The scale description; and
  - h. The applicant's signature.
- 2. Applicants may be required to submit evidence of their qualifications and shall be examined regarding their competence or qualifications.

- D. Before the Department issues any license or renewal of a public weighmaster license, the applicant shall pay any required fees and provide any information required by the Department in A.R.S. § Title 41, Chapter 15, or this Article.

**R20-2-502. Duties**

A public weighmaster shall:

- 1. Be available at the scale location and responsible for its daily operation and maintenance, unless specifically exempted in writing by the Department;
- 2. Use scales according to applicable laws and rules; and
- 3. Be responsible for all acts performed by any deputy public weighmaster designated by the weighmaster.

**R20-2-503. Grounds for Denying License or Renewal; and Disciplinary Action**

- A. The Department may deny a weighmaster license for any of the following reasons:
  - 1. Providing false or misleading information;
  - 2. Failing to meet the requirements stated in this Article; or
  - 3. Any of the reasons stated in subsection (B)(1) through (9).
- B. The Department may impose disciplinary action against, or refuse to renew a public weighmaster's license for any of the reasons stated in subsection (A)(1) or (2), or if the Department has determined that the public weighmaster:
  - 1. Does not have the ability to weigh accurately;
  - 2. Has not correctly made weight certificates;
  - 3. Has been found to have violated any provision of A.R.S. Title 41, Chapter 15, or this Chapter;
  - 4. Has falsified a weight certificate;
  - 5. Has delegated authority to someone other than a licensed public weighmaster or deputy public weighmaster;
  - 6. Has improperly used a weighmaster's seal of authority;
  - 7. Has presigned certificates for later use;
  - 8. Has issued a weight certificate on which changes or alterations were made; or
  - 9. Has used a scale for public weighing that is not properly licensed.

**R20-2-502R20-2-504. Scales and Vehicle Weighing**

- A. Scales. General

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1. When making a weight determination, a public weighmaster shall use a weighing device that is suitable for the function.
- 2B. The public weighmaster shall not use a scale to weigh a load; the weight of which ~~that~~ exceeds the normal or rated capacity of the scale.
- 3C. The owner or user accuracy of the a weighing device is responsible for the accuracy of the device used by a public weighmaster. ~~is the responsibility of the owner/user. The owner or user shall comply with as set forth in National Bureau of Standards Handbook 44 (as adopted by the National Conference on Weights and Measures).~~
- D. If a scale is equipped with a printing device, it shall be used for all relevant entries on the weight certificate.
- 4E. Each scale location, as determined by the Director or his agents, shall be separately licensed and treated independently for the purpose of these rules and regulations. The Department shall separately license and regulate each scale location.
- BF. Weighing vehicles
  1. ~~When the gross or tare weight of A weighmaster shall weigh any vehicle or combination of vehicles is to be determined, the weighing shall be performed upon on a scale having a platform of sufficient size to that fully accommodate accommodates the vehicle or combination of vehicles as one entire unit.~~
  - 2G. If a combination of vehicles must be broken up is divided into separate units in order to be weighed, each such separate unit shall be entirely disconnected before weighing and a separate weight certificate shall be issued for each unit.

**R20-2-503 R20-2-505. Weight Certificates**

- A. Execution of weight certificates
  1. In issuing a weight certificate, a public weighmaster may shall enter only those weight values which either he or his ~~that the weighmaster or deputy weighmaster~~ has accurately and personally determined.
- 2B. A public weighmaster may shall not make any entries on a weight certificate, issued by another person.
- 3C. ~~The weighmaster and/or his deputy, in signing the weight certificate, shall be held responsible for the correctness. By signing a weight certificate, a weighmaster or the weighmaster's deputy shall be responsible for the accuracy of all entries on the weight certificate.~~
- 4D. A weight certificate is valid only when properly signed and sealed by the issuing weighmaster or his the weighmaster's deputy.
- E. If an error is made on a weight certificate, the weighmaster shall void the certificate and issue a new certificate. No changes or alterations shall be made on a certificate.
- BF. Required entries
  1. The A weight certificate shall state:
    - a. 1. The date of issuance;
    - b. 2. The kind of property, produce, commodity, or article weighed;
    - c. 3. The name of the declared owner, or agent, or of the consignee of the material weighed;
    - d. 4. The accurate weight of the material weighed and counted, as appropriate;
    - e. 5. The means by which the material is being transported at the time it is weighed; and;
    - f. 6. ~~When appropriate, an A~~ identification number of the transporting unit, such as including a truck/trailer license number; and
  2. 7. The weight certificate shall also contain the following statement: "PUBLIC WEIGHMASTER'S CERTIFICATE OF WEIGHT AND MEASURE. This is to

certify that the following described merchandise was weighed and counted or measured by a public or deputy weighmaster, and when properly signed and sealed, shall be prima facie evidence of the accuracy of the weight shown as prescribed by law".

- C. Disposition of copies of weight certificates
  1. A licensed public weighmaster shall keep and maintain for a minimum of one year a legible copy of each weight certificate issued.
  2. These copies shall be available at the scale location at all reasonable times for inspection by a Department official.
  3. These weight certificates shall be consecutively numbered and shall be filed numerically. Any other filing system must be approved by the Department.
- G. A public weighmaster shall maintain a legible copy of each weight certificate issued at each scale location, for a minimum of 1 year. A weighmaster also shall ensure that weight certificates are consecutively numbered and filed numerically. A weighmaster shall not use another filing system without Department approval.

**R20-2-504 R20-2-506 Seal of Authority**

- A. ~~The A weighmaster shall obtain a seal for the certification of weight certificates shall be obtained at cost through the Department.~~
- B. ~~The Department shall assign a number to a seal shall bear a number assigned by the Department identifying the public weighmaster and the specific location for which it has been the seal is issued.~~
- C. ~~The A seal shall be is the property of the state, and A weighmaster shall be surrendered surrender a seal to the Department within 30 days after an individual's termination of status as the weighmaster no longer operates as a licensed public weighmaster.~~
- D. A public weighmaster shall have one 1 seal for use at each scale location.
- E. The A seal shall be accessible to the weighmaster and his authorized deputies during all business hours at the scale location for the timely and proper certification of weight certificates.
- F. ~~The seal shall be available during all business hours for inspection by any official of the State Administration of Weights and Measures. A public weighmaster shall keep a seal of authority at each scale location and make it available for inspection by the Department during all business hours.~~

**R20-2-505 R20-2-507. Prohibited Acts**

- A. Application. No A person may shall not:
  1. Request a public weighmaster or any person employed by him or her to weigh, measure, or count any property, produce or commodity falsely or incorrectly;
  2. Request a false or incorrect weight certificate;
  - 3.1. Issue a certified weight certificate when he is not without being a licensed public weighmaster or a person properly authorized to act for a public weighmaster;
  - 4.2. Procure, print, or cause to be printed any public weighmaster weight certificate, if she or he is not without being a licensed public weighmaster or a person authorized to act for a public weighmaster;
  - 5.3. Possess unfilled or unused public weighmaster weight certificate forms, if he or she is not without being a licensed public weighmaster or a person employed by authorized to act for a public weighmaster;
  - 6.4. Furnish or give false information to a weighmaster for use in the completion of a weight certificate;



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7. ~~5. Present for payment a certificate made false for payment falsified by the insertion of any weight, measure, and/or count not determined by the issuing weighmaster;~~
  8. ~~6. Assume, Use without authorization, the title "licensed public weighmaster"; or any similar title of similar import;~~
  9. ~~7. Perform the duties or acts to be performed by a licensed public weighmaster. Represent oneself to be a public weighmaster without holding a license issued by the Department;~~
  10. ~~Hold himself or herself out as a licensed public weighmaster;~~
  11. ~~Issue any weight certificate for which a fee is charged; or~~
  12. ~~8. Engage in the full-time or part-time business of public weighing, unless he or she holds without holding a valid license as a public weighmaster, or deputy public weighmaster, or acts acting under the authority provided by such a license of a licensed public weighmaster; ;~~
  9. ~~Use an unlicensed scale in the performance of public weighmaster duties; or~~
  10. ~~Operate a scale for public weighing unless that person is licensed as a public weighmaster.~~
- B. Exemptions**
1. ~~A person engaged in the business of printing weight certificate forms is exempt from the prohibitions specified in R20-2-505(A)(4) above.~~
  2. ~~A person People engaged in the business of printing weight certificate forms, or his their representatives, and the Department officials are exempt from the prohibition prohibitions specified in subsections (A)(2) and (A)(3) R20-2-505(A)(5) above.~~

**ARTICLE 6. REGISTERED SERVICE AGENCIES AND REPRESENTATIVES**

**R20-2-601. Registration of Service Representatives and Institution of Reciprocal Agreements Qualifications; License and Renewal Application Process; and Reciprocal Agreements**

- A. Definitions.** The following definitions apply generally throughout this Article.
1. "Adequate weights" for a large capacity scale shall be deemed to be 10,000 pounds of test weights or one quarter of the capacity of the scale, whichever is less.
  2. "Certificate of registration" means a license, granted by the Department, which allows the individual or agency holding it to present himself or itself as a registered service agent or a registered service agency.
  3. "Certified prover" means a calibrated device, traceable to the National Bureau of Standards, used for measuring liquid volume.
  4. "Commercial weighing device" — see R20-2-101(B)(2).
  5. "Placed in service" means the activity of inspecting and testing newly installed or recently repaired devices intended for commercial use.
  6. "Placed In-Service Report" means the form which is filled out and sent to the State Administration of Weights and Measures by a registered service representative after that representative has placed a commercial device in service.
  7. "Registered service agency" — see R20-2-101(B)(10).
  8. "Registered service agent" — see R20-2-101(B)(11).

**BA. Application for registered service agents and agencies Registered Service Agency**

1. The Department shall accept applications for registration licensure of an individual and/or agency that provides acceptable evidence that:
  - a. ~~the service agent in question The applicant's representatives has have a thorough working knowledge of all appropriate weights and measures laws, as well as and rules and regulations this Chapter;~~
  - b. ~~The applicant possesses the necessary standards and testing equipment to service commercial devices or that the applicant has access to the necessary standards and testing equipment belonging to another registered service agency and has written approval from that agency to use its standards and testing equipment; and~~
  - c. ~~It will operate in accordance with appropriate laws and this Chapter.~~
2. The Department may require an applicant to:
  - 1-a. ~~Submit evidence or references concerning qualifications; and~~
  - 2-b. ~~Take a competency examination Have at least 1 of its representatives pass a competency examination, before issuing a license.~~
- 2.3. ~~Forms.~~ The application forms for registered service agents and registered service agencies are substantially as follows may require the following information:
  - a. ~~Name, address, telephone, and facsimile numbers;~~
  - b. ~~Previous and current license information from other states;~~
  - c. ~~Types of devices serviced, repaired, or installed;~~
  - d. ~~A list of all of the applicant's devices with corresponding serial or identification numbers;~~
  - e. ~~Branch office information;~~
  - f. ~~Names of service representatives and their experience with other agencies or states;~~
  - g. ~~License and disciplinary history; and~~
  - h. ~~Signatures of the applicant's agent or its representatives.~~

**B. Registered Service Representative**

1. The Department shall accept an application for licensure of a representative that provides evidence that:
  - a. ~~The applicant has a thorough knowledge of all appropriate laws and this Chapter;~~
  - b. ~~The applicant possesses the necessary training or experience regarding appropriate standards and testing equipment to service commercial devices; and~~
  - c. ~~The applicant will operate in accordance with appropriate laws and this Chapter.~~
2. ~~The Department may require an applicant to submit evidence or references concerning qualifications.~~
3. ~~The applicant shall pass a competency examination before being issued a license.~~
4. ~~The application forms for registered service representatives may require the following information:~~
  - a. ~~Name, address, telephone, and facsimile numbers;~~
  - b. ~~Previous and current license information from other states;~~
  - c. ~~Types of devices serviced, repaired, or installed;~~
  - d. ~~Experience with other agencies or states;~~
  - e. ~~License and disciplinary history; and~~
  - f. ~~Signature.~~

**STATE ADMINISTRATION OF  
WEIGHTS AND MEASURES  
REGISTERED SERVICE AGENT APPLICATION  
FORM**



**Arizona Administrative Register**  
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Please print or type

1.

NAME \_\_\_\_\_

MAILING  
ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_

ZIP \_\_\_\_\_

STREET  
ADDRESS \_\_\_\_\_ PHO  
NE \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_

ZIP \_\_\_\_\_

2. EMPLOYED BY:

NAME \_\_\_\_\_

MAILING  
ADDRESS \_\_\_\_\_ PHON  
E \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_

ZIP \_\_\_\_\_

Note: To qualify as a registered service agent, the applicant must be employed by or hold a license from a registered service agency and pass a written examination with a score of at least 70%.

3. TYPE OF DEVICES SERVICED:

4. The registration fee for a registered service agent is \$4.00 annually. Make check payable to: State Administration of Weights and Measures.

5. This is to certify that I have the necessary competence to service the equipment listed and have full knowledge of the applicable law, A.R.S. § 41-2094, and the rules and regulations, R20-2-601 thru R20-2-604. I certify that I will operate in accordance with this law and these rules.

I also understand that I must only use standards that have been certified according to R20-2-603.

Date \_\_\_\_\_

Signature \_\_\_\_\_

FOR WEIGHTS AND MEASURES USE ONLY

I hereby certify that the above named applicant has passed the written examination for registered service agent.

Date \_\_\_\_\_ Program \_\_\_\_\_

Manager \_\_\_\_\_

STATE ADMINISTRATION OF WEIGHTS AND  
MEASURES

REGISTERED SERVICE AGENCY  
APPLICATION

A registered service agency will be authorized to employ registered service agents. Licensed service agents will be authorized to place new devices in service and to restore to service a weighing or measuring device that has been officially rejected by the Department.

THE REGISTRATION FEE FOR AN AGENCY IS \$20.00 ANNUALLY. PLEASE MAKE CHECK PAY-

ABLE TO: STATE ADMINISTRATION OF  
WEIGHTS AND MEASURES

PART A: APPLICANT AGENCY INFORMATION (Please print or type)

#1: Applicant Agency Location Information  
BUSINESS NAME MAILING ADDRESS

PHONE \_\_\_\_\_

CITY STATE ZIP \_\_\_\_\_

CHIEF BRANCH OFFICE OR MANAGER PHONE \_\_\_\_\_

NOTE: Businesses with multiple branches must complete an agency application for each location doing business in Arizona.

#2: Home or Regional Office if #1 is a Branch

BUSINESS NAME \_\_\_\_\_

MAILING ADDRESS \_\_\_\_\_

CITY STATE ZIP \_\_\_\_\_

PART B: SERVICE AGENTS (Please print or type)

#3: List all persons currently in your employ who are making application as registered service agents.

PART C: REGISTERED SERVICE AGENCY APPLICATION [reverse side]

Are you or your company now, or have you or your company ever been, licensed as a registered service agency or registered service agent in the state of Arizona or any other state? \_\_\_\_\_ If "yes", name of state: \_\_\_\_\_

Has your license ever been suspended or revoked? \_\_\_\_\_

QUALIFICATIONS TO SERVICE HEAVY CAPACITY SCALES (see R20-2-602(B)(1))

No registered service agency or service agent shall be qualified to place in service or remove a "Red" or "Yellow" tag from a heavy capacity scale unless such registered service agency or service agent has adequate certified weights traceable to the National Bureau of Standards.

PROVER REQUIREMENTS TO CALIBRATE METERING DEVICES (see R20-2-602(B)(2))

Any registered service agency or service agent who calibrates any metering device shall have a certified prover with minimum capacity to run a one-minute, uninterrupted, normal test draft. With wholesale devices, the minimum capacity required is 50 gallons. With retail motor fuel meters, the minimum capacity is 5 gallons.

Below, list the types of devices that this agency is qualified to service, repair, and/or install. Please print or type:

SCALES CAPACITY METERS TYPE  
GALLONS PER MINUTE

Below, list all test standards:

TEST WEIGHTS \_\_\_\_\_ WEIGHT

TOTAL WEIGHT \_\_\_\_\_

TEST MEASURES \_\_\_\_\_

TOTAL NUMBER \_\_\_\_\_

VOLUME \_\_\_\_\_

DATE LAST CERTIFIED WHERE CERTIFIED

APPLICANT AGENCY. Please read and sign below.

I understand that all registered service agents must pass a written examination before a license can be issued. I also understand that only standards that have been certified according to R20-2-603(B) can be used to service commercial devices, and also that my standards must be certified or I must submit a certificate from a recognized laboratory before a license can be issued.

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I certify that we possess the necessary standards and testing equipment to service those devices for which we are requesting registration, and that I have full knowledge of the appropriate laws and regulations, specifically A.R.S. § 41-2094 and R20-2-601 thru R20-2-604; and I will operate in accordance with this law and the rules and regulations.

CHIEF BRANCH OFFICE OR MANAGER  
TITLE \_\_\_\_\_ DATE \_\_\_\_\_

**C. Reciprocal agreements**

1. The Department may enter into informal reciprocal written agreements with any other state or states that has or have similar registration regulations concerning service agencies and individuals.
2. Under such agreements, the registered service agent and the registered service agencies of the states party to the reciprocal agreement are granted full reciprocal authority.

3. C. In addition, there shall be reciprocal recognition of The Department shall accept the certification of standards and testing equipment in all states party to agreements as outlined above from any state that has standards traceable to NIST, unless the Department finds that a laboratory's standards or testing equipment are not traceable to NIST.

**R20-2-602. Qualifications and Duties of Registered Service Representatives**

**A. Evidence of qualifications. An applicant may be required to:**

1. Submit appropriate evidence or references concerning qualifications; and/or
2. Take an examination, testing his or her competence or qualifications.

**B. Requirements Registered Service Agency**

1. Requirements to service heavy capacity scales: No registered service agency or service agent shall be qualified to place in service or remove a "Red" or "Yellow" tag from a heavy capacity scale unless such registered agency or agent has adequate certified weights traceable to the National Bureau of Standards.

1. A registered service agency shall maintain all equipment in accordance with standards traceable to NIST.
2. Prover requirements to calibrate metering devices
  - a. Any registered service agency or agent who calibrates any metering device shall have a certified prover with minimum capacity to run a one minute, uninterrupted, normal test draft.
  - b. With wholesale devices, the minimum capacity required is 50 gallons.
  - c. With retail motor fuel meters, the minimum capacity is 5 gallons.

**3. "Placed-In-Service Reports"**

- a. The Department shall prescribe forms, to be known as "Placed-In-Service Reports", to be used by registered service agencies and agents.
2. When using a "placed-in-service report", a registered service agency shall use a form prescribed by the department.
  - b. The form shall be substantially as follows:

STATE ADMINISTRATION OF  
WEIGHTS AND MEASURES  
PLACED-IN-SERVICE REPORT

NAME \_\_\_\_\_ OF \_\_\_\_\_ SERVICE  
AGENCY \_\_\_\_\_

ADDRESS \_\_\_\_\_  
\_\_\_\_\_

Street City State ZIP RSA No  
NAME \_\_\_\_\_ OF

BUSINESS \_\_\_\_\_

ADDRESS \_\_\_\_\_

Street City State ZIP  
WEIGHING OR MEASURING DEVICES PLACED IN  
SERVICE OR REPAIRED

Service Red or New  
Fee Manuf Year Yellow Device  
Code Name Serial Number Manuf On-Site Placement  
Tag No. (check)

Remarks \_\_\_\_\_

NOTICE TO DEVICE OWNER: Any new or replacement device must be licensed prior to commercial use.

Red or Yellow Tags Enclosed if Applicable Date Work  
Completed Yes No (If No, Explain in Remarks)

Print Name of Repairman \_\_\_\_\_ Signature of Repairman \_\_\_\_\_

Original to Weights and Measures

First copy to Business

Second copy to RSA

e. Such forms shall be filled out in triplicate.

a. A registered service agency shall fill out a placed-in-service report in triplicate.

i. b. Within 7 days after a device is restored to or placed-in-service, a registered service agency shall mail the original of the properly completed and signed "Placed-In-Service Report" placed-in-service report shall be mailed to the Department.

ii. c. The A registered service agency shall give a duplicate copy of the report shall be given to the owner or operator of the device.

iii. d. The A registered service agency shall retain a duplicate copy of the report shall be retained by the registered service agent or agency.

d. e. The "Placed-In-Service Report" A registered service agency shall include assure that the placed-in-service report contains the assigned registration license number of the registered service agent representative who completed the report.

e. f. The "Placed-In-Service Report" A registered service agency shall ensure that the placed-in-service report shall be is completed and signed by the reg-

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istered service agent representative for noting each rejected device restored to service and for each newly-installed device placed-in-service.

- g. A registered service agency shall ensure that the placed-in-service report includes the serial or identification number of each standard used by the representative to calibrate the device for each rejected device restored to service and for each newly installed device placed in service.

4. A registered service agency shall have all equipment certified annually.

5. A registered service agency shall not use new equipment until it is certified by a NIST traceable laboratory. A registered service agency shall report any newly acquired equipment or changes in certified equipment to the Department within 10 days of the acquisition or change.

6. A registered service agency shall assure that its employees perform registered service representative duties before being licensed.

**C. Malfeasance. No registrant shall:**

1. Fraudulently complete or file a "Placed-In-Service Report";
2. Delegate his authority or responsibility;
3. Perform any function without appropriate equipment;
4. Install or place in service any weighing, measuring, metering or counting device unless and until he has satisfied all the requirements of the law and the regulations; or
5. Leave any device, not in total compliance, without first replacing the "Red" or "Yellow" tag.

**B. Registered Service Representative**

1. A registered service representative shall use standards traceable to NIST.
2. A registered service representative who calibrates any metering device shall use a certified prover to run a 1-minute, uninterrupted, normal test draft, with the following capacity:
  - a. Wholesale devices - 50 gallons.
  - b. Retail motor fuel meters - 5 gallons.
3. A registered service representative shall also:
  - a. Install only commercial devices that meet the requirements of Article 2;
  - b. Report equipment or devices that do not conform to NIST standards to the user; and
  - c. Complete placed-in-service reports accurately.

**R20-2-603. Certification of Registration Grounds for Denying License or Renewal; Disciplinary Action; and Certification of Standards and Testing Equipment**

**A. Certificate of registration**

1. No certificate of registration. The Department shall not issue a license or renewal may be issued until the applicant pays an annual fee of \$20.00 per registered service agency and \$4.00 per registered service agent all appropriate fees.

**2.B. Issuing the certificate**

- a. Upon receipt and acceptance of all required documents, fees, and Department certification of standards, and fees, the Department shall issue the applicant agency a certificate of registration license or renewal.

- b.C. The certificate of registration. The Department shall include on a license shall include an assigned number, which shall remain that remains effective until either withdrawn by the Department or until it expires. The Department shall issue a

license with the agency's assigned license number to each registered service representative employed by the agency who has passed the competency examination.

**3.D. Non-transferability**

- a. The license of a registered service agent may not be transferred or reassigned to any other individual. Nor may the service agent transfer it from one agency to another. Neither a registered service agency nor a registered service representative shall transfer a license.
- b. The license of a registered service agency is not transferable to any other legal entity or agent.

- 4.E. Renewal of license. If a licensee submits an application during the month of December 2 for renewal, together with the required fee, the existing license shall be valid for 30 days following its expiration, or until issuance of the renewal license, whichever occurs first.

A registered service agency shall submit the renewal fee for the agency license and the agency's representatives' licenses by the first day of the month that each license expires.

- F. The Department may deny a license or renewal for any of the following reasons:

1. Providing false or misleading information;
2. Failure to meet annual certification requirements for standards or testing equipment;
3. Failure to meet the requirements stated in this Article; or
4. For any reason that would be grounds for suspension, revocation, or refusal to renew.

5.G. Denial, suspension, revocation or refusal to renew a license. The Department may deny, suspend, revoke, or refuse to renew a license of a registered service agent or service agency, if, after the appropriate statutory hearing, the Director or his agent has determined that the individual or agency applicant is not qualified to perform those acts duties required or has been found at a previous administrative hearing of the Department to have violated, or has been convicted in a court of competent jurisdiction of violating, any provision of A.R.S. Title 41, Chapter 15, or the rules or regulations promulgated thereunder or this Chapter.

B.H. Certification of standards and testing equipment. Every registered service agency and representative shall comply with The the Department's metrology laboratory shall annual schedule the annual for certification of field standards as set forth contained in A.R.S. § 41-2067(F).

**R20-2-604. Prohibited Acts**

- A. No person may request a registered service agent to falsely complete or file any form required by the Department. A person shall not:

- B. 1. Nonregistered person may perform Perform any duty or do any act which these regulations require required to be done by a registered service agent or agency or representative without holding a registered service agent or representative license issued by the Department;

- C. 2. No person may assume Use the title of registered service agent or agency or representative, or any similar title of similar import, or hold himself oneself out as a registered service agent agency or representative without a valid registration- license; or

- D. 3. No person shall remove Remove an official out-of-service, rejection of warning, or unlicensed-device tag except as authorized in these regulations this Chapter, or by the Department.

- B. A registered service agency or representative shall not:

1. Fraudulently complete or file a placed-in-service Report;
2. Delegate authority or responsibility;

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3. Perform any function without certified equipment;
4. Install or place in service any commercial device before satisfying all of the statutory and rule requirements; or
5. Leave any location where a device was found not in compliance, without first tagging the device with an out-of-service, warning, or unlicensed-device tag.

**ARTICLE 8. USED OIL AND USED OIL FUEL**

**R20-2-801. Definitions**

The following definitions, and definitions contained in A.R.S. §§ 41-2051 and 49-801, and Article 1 of this Chapter, shall apply to this Article unless the context otherwise requires:

1. "Clean oil" means oil that has been refined from crude oil and has not been used or contaminated.
2. "EPA methods" means those laboratory analytical methods contained in the United States Environmental Protection Agency sampling and testing documents incorporated by reference in R20-2-802.
3. "Generator" means a person who initially creates or produces used oil from clean oil through use or through contamination.
4. "Hazardous waste" means those materials defined in A.R.S. § 41-921 and R18-8-261.
5. "Outside laboratory" means any used oil or used oil fuel testing laboratory other than the Department laboratory.
6. "Person" means, for purposes of this Article, both the plural and the singular, as the case demands, and includes government corporations, states, counties, municipalities, political subdivisions of the state, commissions, interstate bodies, federal facilities, partnerships, trusts, corporations, companies, firms, societies, associations, and individuals.
7. "Standard Industrial Code number 4911", as cited in A.R.S. § 49-808(B), means a business classified as an electrical utility.
8. "Standard Industrial Code number 5541", as cited in A.R.S. § 49-802(B), means a business classified as a gasoline service station.
9. "Standard Industrial Code number 7538", as cited in A.R.S. § 49-802(B), means a business classified as an automotive vehicle repair facility.
10. "Used oil blending tank" means a tank or container larger than five gallons that is used to mix used oil or used oil fuel.
11. "Used oil quantity receipt" means a document used pursuant to A.R.S. § 49-804(B)(4) by the transporter of used oil reflecting the amount of used oil collected from a generator or delivered to a transporter, marketer, or burner.
12. "Used oil receiving tank" means a tank or container larger than five gallons, or a transport vehicle, that is used for receiving or holding used oil or used oil fuel prior to transferring to a blending, storage, or treatment tank.
13. "Used oil treatment system" means a system used to change the physical and chemical characteristics of a used oil into on-specification or off-specification used oil fuel.
14. "Used oil treatment system wastes" means the waste products from a system used to change the physical and chemical characteristics of a used oil into an on-specification or off-specification used oil fuel.
15. "Used oil treatment system waste tank" means a container larger than five gallons that is used for the storage

of wastes from a used oil treatment system prior to the disposal or other re-use of those waste products.

16. "Used oil treatment tank" means a container larger than five gallons that is used to process used oils.

**R20-2-802. Material Incorporated by Reference**

A. The following material is incorporated herein by reference and is on file with the Office of the Secretary of State. The incorporated material does not include any later amendments or editions. Copies of each of the documents are available from the Department.

B. Copies of each of the documents are available from the Department:

1. ASTM D 93-90, published December 1990, Standard Test Methods for Flash Point by Pensky-Martens Closed Tester, reprinted from the Annual Book of ASTM Standards, Copyright ASTM. Copies are available from ASTM, 1916 Race Street, Philadelphia, PA 19103.
2. ASTM D 4057-88, published January 1989, Standard Practice for Manual Sampling of Petroleum and Petroleum Products, reprinted from the Annual Book of ASTM Standards, Copyright ASTM. Copies are available from ASTM, 1916 Race Street, Philadelphia, PA 19103.
3. EPA Method 9076 draft, Test Method for Total Chlorine in New and Used Petroleum Products by Oxidative Combustion and Microcoulometry, dated October 1988. Copies are available from EPA, 401 M Street SW, Washington, DC 20460.
4. EPA 600/4-81-045, EPA Test Method, The Determination of Polychlorinated Biphenyls in Transformer Fluid and Waste Oils, dated September 1982. Copies are available from EPA, Environmental Monitoring & Support Laboratory, Cincinnati, OH 45268.
5. EPA SW 846, Third Edition, dated November 1986, EPA Test Methods for Evaluating Solid Waste, Volume IA: Laboratory Manual, Physical/Chemical Methods, Chapter Three, Metallic Analytes, reproduced by and available from U.S. Department of Commerce, National Technical Information Service, Springfield, VA 22161.
6. EPA Method 7060, Arsenic (Atomic Absorption, Furnace Technique), EPA SW 846, Third Edition, November 1986, EPA Test Methods for Evaluating Solid Waste, Volume IA: Laboratory Manual, Physical/Chemical Methods, reproduced by and available from U.S. Department of Commerce, National Technical Information Service, Springfield, VA 22161.
7. EPA Method 7130, Cadmium (Atomic Absorption, Direct Aspiration), EPA SW 846, Third Edition, November 1986, EPA Test Methods for Evaluating Solid Waste, Volume IA: Laboratory Manual, Physical/Chemical Methods, reproduced by and available from U.S. Department of Commerce, National Technical Information Service, Springfield, VA 22161.
8. EPA Method 7190, Chromium (Atomic Absorption, Direct Aspiration), EPA SW 846, Third Edition, November 1986, EPA Test Methods for Evaluating Solid Waste, Volume IA: Laboratory Manual, Physical/Chemical Methods, reproduced by and available from U.S. Department of Commerce, National Technical Information Service, Springfield, VA 22161.
9. EPA Method 7420, Lead (Atomic Absorption, Direct Aspiration), EPA SW 846, Third Edition, November 1986, EPA Test Methods for Evaluating Solid Waste, Volume IA: Laboratory Manual, Physical/Chemical Methods, reproduced by and available from U.S.

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Department of Commerce, National Technical Information Service, Springfield, VA 22161.

10. EPA SW-846, Third Edition, November 1986, EPA Test Methods for Evaluating Solid Waste, Volume IB: Laboratory Manual, Physical/Chemical Methods, Chapter Four, Organic Analytes, reproduced by and available from U.S. Department of Commerce, National Technical Information Service, Springfield, VA 22161.
11. EPA Method 8240, Gas Chromatography/Mass Spectrometry for Volatile Organics, EPA SW-846, Third Edition, November 1986, EPA Test Methods for Evaluating Solid Waste, Volume IB: Laboratory Manual, Physical/Chemical Methods, reproduced by and available from U.S. Department of Commerce, National Technical Information Service, Springfield, VA 22161.
12. EPA Method 8250, Gas Chromatography/Mass Spectrometry for Semivolatile Organics: Packed Column Technique, EPA SW-846, Third Edition, November 1986, EPA Test Methods for Evaluating Solid Waste, Volume IB: Laboratory Manual, Physical/Chemical Methods, reproduced by and available from U.S. Department of Commerce, National Technical Information Service, Springfield, VA 22161.
13. EPA Method 8270, Gas Chromatography/Mass Spectrometry for Semivolatile Organics: Capillary Column Technique, EPA SW-846, Third Edition, November 1986, EPA Test Methods for Evaluating Solid Waste, Volume IB: Laboratory Manual, Physical/Chemical Methods, reproduced by and available from U.S. Department of Commerce, National Technical Information Service, Springfield, VA 22161.
14. EPA SW-846, Third Edition, November 1986, EPA Test Methods for Evaluating Solid Waste, Volume II: Field Manual, Physical/Chemical Methods, Chapter Nine, Sampling Plan, reproduced by and available from U.S. Department of Commerce, National Technical Information Service, Springfield, VA 22161.

**R20-2-803. Fees**

- A. A fee of \$65 shall be paid to the Department for each sample of used oil or used oil fuel tested to any of the allowable levels to determine whether the used oil or used oil fuel is on specification, off specification, or a hazardous waste fuel pursuant to A.R.S. § 49-801(A)(5), and (A)(7) and (B).
- B. Failure to pay the fee within 30 days of the original billing date shall result in a late charge of \$65 in addition to the fee.

**R20-2-804. Inspection Procedures**

- A. A Department official may sample, inventory, photograph, or videotape any portion of the premises, equipment, vehicle, and used oil or used oil fuel products or review and copy records or documents.
- B. The person responsible at the inspection site shall provide and make available to Department officials:
  1. Any equipment, tanks, storage containers, records, and other property and premises related to the blending, burning, collecting, receiving, storing, transporting, or treating of used oil or used oil fuel.
  2. The records and reports from the laboratory analysis of the used oil collected, stored, transported or treated at that location or the manifests and certification, required by A.R.S. § 49-807(B), of the used oil fuel delivered to that or another location by a marketer or transporter.
  3. Any other used oil or used oil fuel quantity receipts or manifests.

C. Transporters of used oil or used oil fuel shall make available to Department officials:

1. Shipping documents including but not limited to the used oil or used oil fuel manifests and quantity receipts pursuant to A.R.S. § 49-804; and
2. The vehicle contents and used oil or used oil fuel products that are being transported to another transporter, a marketer or a burner.

**R20-2-805. Sampling Procedures**

- A. Used oil samples shall be collected in the amounts and by the methods which are specified in the following documents:
  1. ASTM D 4057-88 for testing flash point.
  2. EPA Manual SW-846, EPA Test Methods for Evaluating Solid Waste, Volume II: Field Manual, Physical/Chemical Methods, Chapter Nine, Sampling Plan, and Volume IA: Laboratory Manual, Physical/Chemical Methods, Chapter Three, Metallic Analytes, 3-1 and 3-2 for testing metallies.
  3. EPA Manual SW-846, EPA Test Methods for Evaluating Solid Waste, Volume II: Field Manual, Physical/Chemical Methods, Chapter Nine, Sampling Plan, and EPA 600/4-81-045 for testing Polychlorinated Biphenyls.
  4. EPA Manual SW-846, EPA Test Methods for Evaluating Solid Waste, Volume II: Field Manual, Physical/Chemical Methods, Chapter Nine, Sampling Plan, and EPA Method 9076 for testing total halogens.
- B. A Department official may collect used oil samples from any of the following:
  1. Vehicles transporting used oil or used oil fuel.
  2. Tanks and containers larger than five gallons on vehicles transporting used oil or used oil fuel.
  3. Any other tanks or containers that are larger than five gallons and that contain used oil or used oil fuel.
  4. Any location that may contain used oil or used oil fuel products.
- C. A Department official shall collect duplicate or split samples of the used oil if requested by the person in charge of the facility being inspected or offering used oil fuel for sale or use. The split sample shall be collected into a container which meets the specifications of EPA SW-846, Sampling Plan, incorporated by reference in R20-2-802, and which is provided by the requester.
- D. Upon request, a receipt shall be issued by a Department official reflecting the amount of used oil drawn for sampling.
- E. Burners, generators, marketers, or transporters of used oil or used oil fuel that is transported, stored, used, or offered for sale in a manner that prevents the safe collection of samples shall be issued an administrative order to prohibit the sale or use of the used oil or used oil fuel until such time as samples can be safely collected.

**R20-2-806. Test Methods and Outside Laboratory Test Method Documentation**

- A. The following laboratory test methods, or applicable approved test methods cited in R20-2-610, shall be utilized for the analysis of the following constituents or properties to certify used oil fuel:
  1. Arsenic-EPA method 7060
  2. Cadmium-EPA method 7130
  3. Chromium-EPA method 7190
  4. Lead-EPA method 7420
  5. Polychlorinated Biphenyls or PCBs-EPA method 600/4-81-045
  6. Total Halogens-EPA method 9076

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7. Flash point ASTM D-93-90

- B. The Department shall, upon request, issue certified analytical results of on-specification or off-specification used oil fuels which have been tested by the Department laboratory.
- C. Any analytical results of used oil fuel produced by outside laboratories that is submitted to the Department shall be accompanied by a copy of the current environmental laboratory license issued by the Department of Health Services verifying that the facility has been authorized by the Department of Health Services to perform test methods cited in R20-2-806(A) and, if analytical results are to be used for halogen rebuttal purposes, R20-2-807(C), and include a statement documenting:
1. The specific method utilized to obtain and prepare the product sample for testing; and
  2. The specific method used in the analysis of the sample.

**R20-2-807. Halogen Rebuttal Demonstration Procedure**

- A. If the Department laboratory, through analysis pursuant to R20-2-806(A)(6), presumes that a used oil product has been mixed with halogenated hazardous waste and shall be regulated as a hazardous waste fuel because the total halogen concentration is between 1,000 and 4,000 parts per million, a Department official shall issue an administrative order to prohibit the sale or use of such product as an on-specification or off-specification used oil fuel.
- B. The Department's presumption that a used oil product has been mixed with halogenated hazardous waste, based on Department laboratory analysis, may be rebutted.
- C. The halogen rebuttal procedure is the method by which a person shall demonstrate, through outside laboratory testing using EPA methods 8240, 8250, or 8270 and company records, that the used oil fuel has not been mixed with any halogenated hazardous waste, and that the resulting total halogen concentration of between 1,000 and 4,000 parts per million is from the normal use of clean oil in the generator's equipment or manufacturing process.
- D. Any person that generates, manages, stores, transports, markets, or burns used oil fuels and intends to utilize the halogen rebuttal procedure to document that their used oil fuel is not a hazardous waste fuel shall notify the Department of their intent within ten days of notice of the Department's certified analytical results and shall complete the additional required tests and documentations within 35 days of notice of the Department's certified analytical results.
- E. Any person who generates, manages, stores, transports, markets, or burns used oil fuels and desires to use the halogen rebuttal procedure shall present to the Department the following documentation:
1. The procedure for the used oil fuel sample collection along with a narrative description and explanation on how, when, where, and by whom the samples were collected for laboratory analysis.
  2. The used oil fuel analytical results and test methods utilized and the name of the laboratory conducting the test.
  3. The evidence that the total halogen concentration of between 1,000 and 4,000 parts per million is from the normal use of clean oil in the generator's equipment or manufacturing process and the identification of the used oil generator providing the evidence.
  4. Other records which document that the used oil has not been mixed with any halogenated hazardous waste during storage, transportation or treatment.
- F. The Department shall provide written notice of acceptance or rejection of the person's halogen rebuttal procedure documentation within 45 days of receipt.

**R20-2-809. Used Oil and Used Oil Fuel Tank and Container Labeling**

- A. All tanks or containers larger than five gallons containing used oil or used oil fuel shall be identified by labeling as to their function, capacity in gallons, and contents. All labels shall be impervious to petroleum hydrocarbons and weather conditions. Labels shall be conspicuously posted and legible at all times. Each used oil or used oil fuel tank or container shall have a label affixed to:
1. Correctly identify the contents as one of the following:
    - a. On-specification used oil fuel;
    - b. Off-specification used oil fuel;
    - c. Used oil; or
    - d. Hazardous waste fuel.
  2. Indicate the capacity of tank or container and correctly identify the function as one of the following:
    - a. Receiving;
    - b. Storage;
    - c. Blending;
    - d. Treatment system; or
    - e. Treatment system waste storage.
- B. Labels for aboveground tanks or containers with capacities of more than 500 gallons shall:
1. Conform to the requirements of R20-2-809 (A) and the lettering on the label shall be no less than 1 inch in height nor 1/4 inch in stroke with white or black block lettering on a sharply contrasting background; and
  2. Be firmly attached through the use of bolts, rivets, welds, wire or other method of secure fastening; or
  3. Be painted or stenciled onto the side of the tank or container, provided the paint or stencil is impervious to petroleum hydrocarbons and weather conditions, and is conspicuous and legible at all times.
- C. Labels for aboveground tanks or containers with capacities of 500 gallons or less but over five gallons shall:
1. Conform to the requirements of R20-2-809 (A) and (B); and
  2. Have a space on the label to be used for the transporter, marketer, or burner EPA identification number, or the used oil manifest document control number.
- D. Labels for underground storage tanks shall conform to the requirements of R20-2-809(A) and:
1. Be firmly attached to the tank fill pipe through the use of bolts, rivets, welds, wire or other method of secure fastening. The label shall be no less than 1 1/2" by 5" displaying black or white block lettering of not less than 1/4" in height on a sharply contrasting background; or
  2. Be painted or stenciled adjacent to the tank fill pipe in black or white block lettering on a sharply contrasting background. The lettering shall be no less than 1 inch in height nor 1/4 inch in stroke.
- E. Transporters of used oil or used oil fuel shall have the tanks on their vehicles conspicuously posted with lettering that identifies the function of that vehicle as a used oil transporter. The posting is in addition to all of the labeling requirements of R20-2-809 (A).
- F. If a Department official finds that off-specification used oil fuel has been mislabeled as on-specification used oil fuel and the used oil fuel product cannot be brought up to standards for on-specification used oil fuel pursuant to A.R.S. § 49-801, the official shall order the off-specification used oil fuel be relabeled or removed by the generator, transporter, marketer, or burner:
1. To a facility capable of refining or blending the off-specification used oil fuel;



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2. To another area or burner as defined in A.R.S. § 49-808 where the off-specification used oil fuel may be burned; or
3. Outside the state.

**R20-2-810. Record Availability and Review Requirements**

- A. All records, operating logs, manifests, and quantity receipts for the pick-up and delivery of used oil and used oil fuel which are required to be retained for a period of three years by the transporter pursuant to A.R.S. § 49-804 and by the marketer pursuant to A.R.S. § 49-807 shall be made available for review to the Department on demand.
- B. The written statement from a burner or marketer that ADEQ has received a notice of used oil activity description before the first used oil fuel delivery which is required to be retained by the transporter for a period of at least three years pursuant to A.R.S. § 49-804(B) and by the marketer for a period of three years pursuant to A.R.S. § 49-807(E) shall be made available to the Department on demand.
- C. The records of analysis or other information used by the generator, transporter, marketer, or burner to classify used oil as on-specification or off-specification used oil fuel pursuant to the standards in A.R.S. § 49-801 which are required to be retained for three years by the transporter pursuant to A.R.S. § 49-804(C), by the marketer pursuant to A.R.S. § 49-807(F), and by the burner pursuant to A.R.S. § 49-808(H) shall be made available to the Department on demand.
- D. A burner who generates or receives used oil or off-specification used oil fuel and who then treats that oil to on-specification standards shall retain for a period of three years records of:
  1. The amount and type of used oil or any other material mixed, treated or used to blend with the used oil or off-specification used oil fuel to produce an on-specification used oil fuel.
  2. The daily, weekly, monthly and yearly amount of on-specification used oil fuel that is burned.
  3. The types of treatment and process methods used to produce the on-specification used oil fuel.
  4. The laboratory analysis which was conducted pursuant to R20-2-806 to determine the amount and type of contaminants present in the on-specification used oil fuel.
- E. A burner who generates off-specification used oil fuel or receives off-specification used oil fuel for use in the devices specified in A.R.S. § 49-808(A) shall retain for a period of three years records of:
  1. The amount of used oil generated and received on a daily, weekly, monthly and yearly basis.
  2. The amount of off-specification used oil fuel burned on a daily, weekly, monthly and yearly basis.
  3. The log that lists the sampling times and dates of any used oil fuel samples which were collected pursuant to R20-2-805~~804~~ and tested pursuant to R20-2-806.
  4. The laboratory analysis which was conducted pursuant to R20-2-806 to determine the amount and type of contaminants present in the off-specification used oil fuel.
- F. A burner who generates on-specification or off-specification used oil fuel or receives on-specification or off-specification used oil fuel for use in the devices specified in A.R.S. § 49-808 shall submit a copy of the notice required by A.R.S. § 49-808(E) to the Department of Weights and Measures at the same time it is submitted to ADEQ.
- G. All records requested for review by the Department, upon demand, shall be photocopied and presented to the Department.

**R20-2-811. Burners who Treat Off-specification Used Oil Fuel to On-specification Used Oil Fuel Standards**

- A. The treated oil sampling and testing procedures for those burners identified in A.R.S. § 49-808(G) shall be as follows: At least weekly a burner shall collect and test samples to determine that the final used oil fuel product is on-specification:
  1. The sample shall accurately represent the used oil fuel that is being burned or prepared for burning.
  2. The sample collection method shall be pursuant to R20-2-805(A).
  3. The sample shall be tested pursuant to R20-2-806(A) by a laboratory that has been licensed by the Department of Health Services to perform test methods cited in R20-2-806(A).
- B. The burner shall maintain for a period of three years:
  1. A log that lists all of the sampling times and dates;
  2. A copy of the analytical results of each test performed which shall include a statement documenting:
    - a. The specific method utilized to obtain and prepare each sample for testing; and
    - b. The name of the laboratory conducting the test and the specific method used in the analysis of each sample.
- C. A burner shall notify the Department within ten days of any final used oil fuel product sample test results that reflect a violation of the standards established in A.R.S. § 49-801 for on-specification used oil fuel.

**R20-2-812. Burners who Burn Self-generated, On-specification, Used Oil Fuel**

- A. Burners that generate and burn only their own used oil fuel pursuant to A.R.S. § 49-808(K) may rely solely on the certified test results of the Department's inspection and sampling of the used oil fuel, provided the test results indicate the used oil fuel is on-specification.
- B. The Department shall conduct unannounced inspections and obtain samples at each burner's facility on a random basis at least once a year.
- C. The Department's certification of on-specification used oil fuel shall apply to all used oil fuel generated and burned between the Department's certified test results, provided the source generating the used oil remains unchanged.
- D. Each violation found by the Department that the used oil fuel being burned is not on-specification shall result in enforcement action pursuant to R20-2-111 and notification to ADEQ pursuant to A.R.S. § 41-2066(A)(2).
- E. A second violation within 90 days of the first violation, based on Department testing and certification that the used oil fuel is not on-specification used oil fuel, shall result in enforcement action pursuant to R20-2-111 and shall void the abrogation of the exception for criminal proceedings for repeated violations pursuant to A.R.S. § 49-808(K).

**ARTICLE 9. GASOLINE VAPOR CONTROL**

**R20-2-901 Definitions**

The following definitions and the definitions contained in Article 1 of this Chapter and in A.R.S. Title 41, Chapter 15, Article 7 shall apply to this Article unless the context otherwise requires:

1. "CARB" means the California Air Resources Board, Sacramento, CA 95812.
2. "CARB certified" means, with respect to a vapor recovery system, that it has been certified in an executive order of the California Air Resources Board.
3. "Construction commenced", as used in A.R.S. Title 41, Chapter 15, Article 7, means the phase of construction



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on the site that begins the building of a gasoline dispensing site at a location where there was not one previously, or that begins a period of construction where the total percent of gasoline dispensing equipment that is repaired, replaced, modified, or added is 75% or more of a facility's total equipment.

4. "Department" means the Arizona Department of Weights and Measures.
5. "Gasoline" means petroleum distillate or a blend that contains a petroleum distillate that has a Reid vapor pressure greater than 4.0 pounds per square inch and is used as a fuel for internal combustion engines.
6. "Gasoline vapors" means volatile organic compounds in the displaced vapors including any entrained liquid gasoline.
7. "Liquid tight" means that a stage II vapor recovery system with its associated components does not exceed a drip rate of 3 drops per minute of gasoline in its liquid phase.
8. "Malfunction" means any failure of gasoline vapor recovery equipment to operate in the normal and usual manner.
9. "Modification" means adding to, replacing, or upgrading a site's stage II vapor recovery system but does not include the repair or replacement of like parts.
10. "Monthly throughput" means the total amount of all gasoline transferred into or dispensed from a gasoline dispensing site during a one-calendar-month period.
11. "Motor vehicle" has the same definition as in A.R.S. Title 28, Chapter 1, Article 1.
12. "Operator" means a person in control of, or having responsibility for, the day-to-day operation of a gasoline dispensing site.
13. "Ozone nonattainment area" means an area within the state of Arizona designated as such by the United States Environmental Protection Agency under Section 107(d) of the Clean Air Act amendments of 1990 (P.L. 101-549).
14. "Vapor tight" means that a stage II vapor recovery system has a 95% effective rate.
15. "Topping off" means dispensing gasoline into a motor vehicle fuel tank after the nozzle shutoff mechanism has shut off automatically due to the tank being full.
16. "Underground storage tank" has the same definition as in A.R.S. § 49-1001(17).

**R20-2-902 R20-2-901. Material Incorporated by Reference**

The following documents are incorporated herein by reference, on file with the Secretary of State, and do not include any later amendments or editions:

1. Appendices J.2 and Appendix J.5 of "Technical Guidance—Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities" Technical Guidance -- Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities, Vol. II: Appendices, U.S. Environmental Protection Agency November 1991 edition (EPA-450/3-91-022b), November 1991, is incorporated herein by reference and is on file with the Department and the Office of the Secretary of State. The incorporated material does not include any later amendments or editions: published by the U.S. Environmental Protection Agency, Office of Air Quality, Planning and Standards, Research Triangle Park, North Carolina 27711.
2. Arizona Department of Weights and Measures Vapor Recovery Test Procedure TP-WM-1, *Determination of*

*Vapor Piping Connections to Underground Gasoline Storage Tanks (Tie-Tank Test)*, April 1998, Arizona Department of Weights and Measures, 9545 E. Doubletree Ranch Road, Scottsdale, Arizona 85258.

3. The following CARB test procedures:

- a. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.4, *Determination of Dynamic Pressure Performance of Vapor Recovery Systems of Dispensing Facilities*, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
- b. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.5, *Determination (by Volume Meter) of Air to Liquid Volume Ratio of Vapor Recovery Systems of Dispensing Facilities*, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
- c. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.2C, *Determination of Spillage of Phase II Vapor Recovery Systems of Dispensing Facilities*, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
- d. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.6, *Determination of Liquid Removal of Phase II Vapor Recovery Systems of Dispensing Facilities*, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.
- e. California Environmental Protection Agency, Air Resources Board Vapor Recovery Test Procedure TP-201.2B, *Determination of Flow Versus Pressure for Equipment in Phase II Vapor Recovery Systems of Dispensing Facilities*, April 12, 1996 edition, California Air Resources Board, P.O. Box 2815, 2020 L. Street, Sacramento, California 95812-2815.

**R20-2-903 R20-2-902. Exemptions**

- A. In determining whether a site's monthly throughput allows exemption under A.R.S. § 41-2132(C), the owner or operator of a site applying for an exemption shall demonstrate to the Department's satisfaction that there has not been a monthly throughput in excess of that specified in A.R.S. § 41-2132(C) for any month since January 1, 1990, or the date the site began operation, whichever is later for the 2-year period before the date of the application for exemption.
- B. A candidate for independent small business marketer exemption shall derive at least 50% of annual income from the sale of gasoline at each gasoline dispensing site that is being considered for this exemption. The Department shall determine the percentage of total annual income represented by the sale of gasoline on the basis of an owner or operator's state and federal gross income for income tax purposes. The following items are excluded from income computations:
  1. Purchase and sale of Diesel fuel, and
  2. State lottery sales net commissions and incentives.
- C. Motor raceways, motor vehicle proving grounds, and marine and aircraft fueling facilities are exempt from stage II vapor recovery requirements.

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**R20-2-904 R20-2-903. Equipment and Installation**

- A. The piping of the ~~both stage I and stage II~~ vapor recovery system ~~systems~~ shall be ~~laid out, sized, designed and constructed as certified in the diagrams, exhibits, attachments, and other documents that are part of the CARB executive order for that system by CARB for that specific vapor recovery system.~~ An owner or operator shall not alter stage I and Stage stage II vapor recovery systems and associated components shall not be altered from their CARB-certified configuration without obtaining Department approval under the Authority to Construct in R20-2-904.
- B. ~~The stage II vapor recovery system may utilize dispensing nozzles equipped with a hold open latch unless state or local requirements prohibit the use of hold open latches. The fittings, assemblies, and components of both stage I and stage II vapor recovery systems shall be certified by CARB. If Department inspection or test data reveals a deficiency in fittings, assemblies, or components that cannot be permanently corrected, the deficient fittings, assemblies, and components shall not be used in Arizona.~~
- C. ~~Stage I spill containments may have plugged drains in place of drain valves if hand-operated pumps are kept on site for draining entrapped liquid. All Stage II vapor recovery systems shall have pressure/vacuum (P/V) valves on top of the vent lines for gasoline storage tanks.~~

**R20-2-905 R20-2-904. Plan Review and Approval Application Process for Authority to Construct**

- A. Prior to the installation, replacement, modification, or initial operation of a stage I or stage II vapor recovery system, the owner or operator of the gasoline dispensing site shall submit to the Department a plan review and inspections fee of \$500 and a plan for the site's vapor recovery equipment on an complete application as defined in R20-2-108 for Plan Approval and Authority to Construct provided by the Department with the following information:
1. The name, addresses address, and phone numbers number of all any owners, operators, and proposed contractors owner, operator, and proposed contractor, if known;
  2. The name of the stage I or stage II system to be installed along with the specific CARB executive order that certifies certification for that system;
  3. The street address of the site where construction or operation will take place with an estimated timetable for construction or commencement of stage II the operation; as appropriate;
  4. A copy of a blueprint or scaled site plan for the vapor recovery system including any installation notes and site elevations all equipment and piping detail; and-
  5. For nonattainment area stage II vapor recovery systems, an application fee.
- B. After review and determination that the plan is in compliance, the Department shall ~~initiate the issuance of the Plan Approval and issue the Authority to Construct by mailing and mail the form in duplicate to the address indicated on the application. The Plan Approval and Authority to Construct shall not be valid until the second copy is signed by the owner or operator and returned to and received by the Department.~~
1. A copy of the Authority to Construct shall be posted at the facility during construction so that it is accessible for Department review.
  2. Construction of a stage II vapor recovery system or equipment at a site not having an approved Authority to Construct, shall be stopped and no further installation work shall be done until an Authority to Construct is

approved, unless the Authority to Construct is approved within 7 days.

- C. The Department may deny Authority to Construct for any of the following reasons:
1. Providing false or misleading information, or
  2. Failure to meet the requirements stated in this Article.
- C-D. If excavation is involved, the Department may visually inspect the stage II underground piping of gasoline dispensing sites that have been issued a Plan Approval and an Authority to Construct, before it the pipeline is buried, for compliance with submitted plans and conditions contained in the Plan Approval and Authority to Construct. The owner or operator of a gasoline dispensing site shall give the Department at least two 2 business days' notice by phone or facsimile of the time when underground piping will be complete. The Department may require the owner to excavate all piping not inspected before burial if the owner or operator has not given the required 2 days' prior notice.
- D-E. Upon completion of construction, a gasoline dispensing site with a valid Plan Approval and Authority to Construct may dispense gasoline for up to 90 days before final approval providing a final inspection has been scheduled in accordance with R20-2-905.
- ~~Within ten days after beginning the dispensing of gasoline, the owner or operator shall notify the Department and arrange scheduling of a an final inspection which shall include the following tests for:~~
- 1- Balance Systems
    - a: A pressure drop vs flow/liquid blockage test from each dispenser for each product grade to its associated underground storage tank following Source Test Procedure TP-91-2, as found in Appendix J.4 of the EPA document, "Technical Guidance - Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities", Vol. II (EPA 450/3-91-022b), November 1991; and.
    - 2- A pressure decay/leak test procedure for each product's vapor control system including nozzles, and underground storage tanks performed following San Diego Test Procedure TP-91-1, Pressure Decay/Leak Test Procedure, as found in Appendix J.5 of the EPA document, "Technical Guidance - Stage II Vapor Recovery Systems for Control of Vehicle Refueling Emissions at Gasoline Dispensing Facilities", Vol. II (EPA 450/3-91-022b), November 1991.
    - 2- Vacuum Assist Systems. In addition to tests specified in R20-2-905(D)(1), any other test specified in the CARB executive order certifying that the system operates with a 95% effective rate and air to liquid ratio tests.
    - 3- Other Systems. In addition to tests specified in R20-2-905(D)(1), any other test specified in the CARB executive order certifying that system to determine that the system operates with a 95% effective rate.
  - E. The owner or operator shall contact the Department to reconfirm the scheduled final inspection and tests by phone or facsimile at least two business days prior to these scheduled final inspection and tests being conducted for the purpose of oversight by a Department official. The Department shall oversee all final testing. Upon successful completion of these tests and a final inspection, the Department shall issue final approval and an operating permit.
  - F. If the site fails to pass any of the tests required pursuant to subsection (D) of this Section, the owner or operator shall record the results and make necessary repairs and adjust-

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ments. The owner or operator shall also submit to the Department a \$300 reinspection fee and shall reschedule with the Department by phone or facsimile a time for repeat tests to be conducted so that they may be again overseen by a Department official.

- F. An Authority to Construct expires 1 year from the date of issuance or the completion of construction, whichever is sooner.

**R20-2-905. Inspection and Testing**

- A. Within 10 days after beginning the dispensing of gasoline, the owner or operator shall provide the Department with a written certification of completion by the contractor and arrange scheduling of an inspection that shall include tests and acceptance criteria specified in the Authority to Construct. The inspection shall be at a time approved by the Department and include the following as they pertain to the specific vapor recovery system installed:

1. A dynamic pressure performance test from each dispenser for each product grade to its associated underground storage tank;
2. A pressure decay test procedure for each vapor control system including nozzles, underground storage tanks, and tank vents. This test shall be performed with caps removed from stage I fill and vapor risers. The Department may fail the pressure decay test at a gasoline dispensing site if gasoline storage tanks have less than 10% or greater than 60% vapor space. The Department shall compute combined tank vapor space for manifolded systems;
3. Determination of communication from dispenser to tanks for each product, using the Department's test procedure;
4. Determination, by volume meter, of air to liquid volume ratio of vapor recovery systems, using CARB TP-201.5 or CARB-endorsed equivalent procedures to determine air to liquid (A/L) ratios;
5. Test procedures, other than static pressure or pressure decay tests, that are part of the CARB certification for each specific system;
6. Determination of spillage of Phase II vapor recovery systems, using the CARB TP-201.2C procedure;
7. Determination of liquid removal of Phase II vapor recovery systems, using the CARB TP-201.6 procedure;
8. Determination of flow vs. pressure for equipment in Phase II vapor recovery systems, using the CARB TP-201.2B procedure;
9. Procedures specified by a manufacturer for testing its equipment; and
10. Tests required by the Department using Department-owned testing equipment to verify test results. If there is a difference between test results, Department test results shall be determinative.

- B. If an owner or operator cancels an inspection test, the owner or operator shall reschedule the inspection test to a date before the annual inspection date or the Department's scheduled deadline for corrective action, whichever applies. The Department may take enforcement action if an owner or operator fails to timely reschedule the inspection test.

- C. If the site fails to pass any of the tests required pursuant to this Article, the owner or operator shall make necessary repairs and adjustments in the time specified by the Department. The owner or operator shall also submit to the Department a reinspection fee and shall reschedule with the Department by mail or facsimile a time for repeat tests to be witnessed by the Department.

- D. If the deficiencies are not corrected by a deadline set by the Department, the Department may issue a DWM-53.

**R20-2-906. Fees**

- A. The Authority to Construct plan review and approval fee is \$500.00.

- B. The reinspection fee is \$300.00, and shall be charged each time:

1. The site fails to pass any of the required tests;
2. Testing personnel do not show up at the facility within 30 minutes after the scheduled time;
3. Within 30 minutes of arrival at the scheduled facility, the Department determines that the facility is not ready to test or cannot complete the test because of inadequate, or improperly installed or maintained equipment or inadequate vapor space in storage tanks; or
4. The owner or operator's testing contractor has not begun the stage II pressure decay test within 30 minutes of the beginning of the scheduled time and the Department defers testing to another time.

**R20-2-906R20-2-907. Operation**

- A. The owner or operator of a gasoline dispensing site with stage II vapor recovery shall not transfer or permit the transfer of gasoline into any motor vehicle fuel tank unless stage II vapor recovery equipment is installed, maintained, operating, and being used according to the requirements of A.R.S. Title 41, Chapter 15, Article 7, and this Article.

- B. The owner or operator stage II vapor recovery system and associated components shall be operated and maintained operate a stage II vapor recovery system and associated components in a vapor-tight and leak-free condition, in compliance with the CARB certification for that system and these rules the manufacturer's specifications, and shall otherwise be maintained in good working condition.

- C. The owner or operator of a gasoline dispensing site with stage II vapor recovery shall inspect the system and its components daily. Daily inspections shall include all nozzles, hoses with connecting hardware, Stage I fittings, and spill containment. A stage II vapor recovery system or component shall be tagged "Out of Order" and taken out of service immediately.

- D. The owner or operator shall immediately stop using a Stage II vapor recovery system or component if 1 or more of the following system or component defects occur:

1. The faceplate of the nozzle does not make a good seal or a faceplate or facecone is damaged on 1/4 or more of the circumference of the faceplate or facecone (accumulated);
2. The bellows has a triangular shaped tear measuring 1/2 inch or more to a side, or has a hole measuring 1/2 inch or more in diameter, or has a slit or tear measuring 1 inch or more in length;
3. A nozzle shutoff mechanism, vapor oxidation/incineration, vacuum-producing device, nozzle trigger, pressure valve, vacuum relief valve, vapor check valve, vent pipe, or dry break is malfunctioning;
4. The spring or latching device within the bellows is missing, broken, or distorted;
5. The nozzle spout is loose, broken, or damaged;
6. The hose is cut or torn to allow any liquid or vapor leakage; the hose is flattened or crimped in a manner that blocks vapor passage or so that the pressure drop in the line exceeds by a factor of two or more the value as certified in the approved system;

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7. The flow restrictor within the dispenser is missing or installed backwards;
  8. The nozzle end or dispenser end swivels are missing, defective, or leaking;
  9. The vapor return line is malfunctioning or blocked;
  10. A seal on an underground tank is missing, or leaking, or a valve is open;
  11. Any other component identified in the diagrams, exhibits, attachments and other executive order Order for that system is missing, disconnected, or malfunctioning.
  1. A faceplate or facecone of a balance system nozzle does not make a good seal with a vehicle fill tube, or the accumulated damage to the faceplate or facecone is 1/4 or more of its circumference. These conditions also apply to a vacuum assist system that has a nozzle with a bellows and faceplate that seal with a vehicle fill pipe;
  2. When more than 1/4 of the cone is missing for vapor assist systems having bellowless nozzles with flexible vapor deflecting cones;
  3. A nozzle bellows has a triangular tear measuring 1/2 inch or more to a side, a hole measuring 1/2 inch or more in diameter, or a slit or tear measuring 1 inch or more in length;
  4. A nozzle bellows is loosely attached to the nozzle body, attached by means other than that approved by the manufacturer, or a vapor check valve is frozen in the open position due to impaired motion of the bellows;
  5. Any nozzle liquid shut-off mechanism malfunctions in any manner, the spring or latching knurl for holding the nozzle in place during vehicle fueling is damaged or missing, or a nozzle is without a functioning hold-open latch;
  6. Any nozzle with a defective vapor check valve, or hose having a disengaged breakaway, when all other nozzles are capable of delivering the same grade of fuel from the same turbine pump;
  7. Any vacuum assist nozzle having less than the acceptable number of open vapor collection holes specified by CARB for the particular model of nozzle in service, the nozzle spout rocks or rotates more than 1/8 inch, the spout shows heavy wear with the tip damaged in a way that the largest axis exceeds 84 inch, or the plastic insert in the tip of the spout is loose;
  8. Any nozzle with a dispensing rate greater than 10 gallons per minute when only 1 nozzle associated with the product supply pump is operating, or a flow restrictor is improperly installed, leaking, or non-CARB approved;
  9. Any nozzle with a physically damaged breakaway or a breakaway showing evidence of product leakage, or a breakaway not approved for the installed system;
  10. A dispenser mounted vacuum pump that is not functioning;
  11. Any vapor recovery hose and, as applicable, the accompanying whip hose, that:
    - a. Is crimped, kinked, flattened, or damaged in any manner that constricts the return flow of vapor;
    - b. For a balance hose, has any slits or tears greater than 1/4 inch in length, perforations greater than 1/8 inch in diameter, or assist system hoses that are cut, torn, or badly worn so as to cause a possible fuel leak;
    - c. Does not fully retract, for approved dispenser configurations using hose retractors, or a balance system hose that exceeds the 10-inch loop requirement where required, or for a hose length that allows a balance hose to touch the ground, or for a vacuum assist hose having more than 6 inches in contact with the ground;
    - d. Does not swivel at the hose/nozzle connection; or
    - e. Does not have a required internal liquid pick-up or the hose with liquid pick-up is improperly assembled for the pick-up to properly function;
  12. Tank vent pipes that are not the proper height, or are not properly capped with approved pressure and vacuum vent valve settings, or where required, vent pipes that do not meet the CARB-specified paint color code for the installed system;
  13. The Stage I installation is not properly installed or maintained, in that:
    - a. Spill containment buckets are cracked, rusted, the sidewalls are not attached or otherwise improperly installed, or spill containment buckets are not clean and empty of liquid, or there are non-functioning drain valves, or drain valves that do not seal;
    - b. A fill adaptor collar or vapor poppet (drybreak) that is loose or damaged, or with a fill or vapor cap that is not installed, is missing, broken, or without gaskets;
    - c. Coaxial Stage I that is not equipped with a functioning CARB-approved poppetted fill tube, or the coaxial cap is not installed, is missing, broken, or without gaskets; or
    - d. A fill tube is missing, not sealed, has holes, broken or damaged overfill preventors, or if the high point of the bottom opening is more than 6 inches above the tank bottom;
  14. The tank rise cap with instrument lead wire for an electronic monitoring system is not tightly installed, or any other tank riser is not securely sealed and capped;
  15. The under-dispenser vapor recovery piping is not securely intact or is crimped, does not slope to the underground vapor pipe riser, hoses used for connection are deteriorated or not approved for use with gasoline, resettable impact type shear valves are closed, or there is any other valve or restriction to impede the vapor path;
  16. An above-ground storage tank that does not display a permanently attached UL approval plaque;
  17. A vacuum assist system with an inoperative central vacuum unit;
  18. A vacuum assist system with an inoperative vapor processing (burner) unit;
  19. A vacuum assist system with a monitoring system certified by CARB or the Authority to Construct that is not operational or malfunctions; or
  20. Any other component identified in the diagrams, exhibits, attachments or other documents that are certified by CARB or required by the Authority to Construct for that system is missing, disconnected, or malfunctioning.
- D-E. The owner or operator shall also inspect for the presence and proper placement of public information signs for public information pursuant to required by A.R.S. § 41-2132(F) and R20-2-907(B) this Article.
- E. Except during repair activity, an "Out of Order" tag pursuant to subsection (C) or stop-sale, stop-use tags placed pursuant to R20-2-909(B) and R20-2-910(A) shall not be removed. The tagged equipment shall not be used, permitted to be used, or provided for use until the tagged equipment has been repaired, replaced, or adjusted, as necessary to comply with this Article, and has been re-authorized for use by the Department.

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- F. For a stage II vacuum-assist vapor recovery system using either vapor jet or vacuum pump, with or without an oxidation processing unit, the owner or operator shall immediately place damaged or malfunctioning equipment out of service and shall notify the Department by phone or facsimile no more than one business day after the malfunction of a vapor jet or vacuum pump or oxidation processing unit central vacuum or processor unit. Once the equipment or system is repaired, the owner or operator shall provide written notice within 5 days of the repair to the Department.
- G. Proper operation of the stage I system, pursuant to A.R.S. § 41-2132(D)(4), shall include the requirement to recover vapors during pump-out from a gasoline storage tank to a mobile transporter.
- H. Any underground tank tightness test shall be conducted in a manner so that gasoline vapors are not emitted to the atmosphere.

**R20-2-907 R20-2-908 Training and Public Education**

- A. Each operator of a gasoline dispensing site using stage II vapor recovery shall obtain adequate training and written instructions to enable the system to be properly installed, operated and maintained in accordance with the manufacturer's specifications and CARB executive order certification. Documentation The operator shall maintain documentation of this training for each operator shall be kept on-site and provided documentation to a the Department official on request.
- B. In addition to the information required in A.R.S. § 41-2132(F), a an operator of a gasoline dispensing site with stage II vapor recovery shall display a Department telephone number that the public can call to report nozzle or other equipment problems. The operator shall place the required information shall be placed on or near each face of each gasoline dispenser. The headings shall be at least 20 point 3/8 inches and shall be readable from up to three 3 feet away for decal signs, and from up to six 6 feet away for permanent (non-decal) signs. Decals shall be located on the upper 60% of each face of the dispenser.

**R20-2-908 R20-2-909 Record keeping and Reporting**

- A. The owner or operator of a gasoline dispensing site employing stage II vapor recovery shall maintain daily records of the inspections done pursuant to R20-2-906(C) this Article.
- B. The owner or operator of a gasoline dispensing site employing stage II vapor recovery shall maintain a log and related records of all regularly scheduled maintenance and any repairs of that have been made to stage II equipment.
- C. The owner or operator of a gasoline dispensing site that is exempt from requirements to install and operate stage II vapor recovery equipment, pursuant to A.R.S. § 41-2132(C), shall maintain a log at the site showing monthly throughputs. Beginning July 1, 1994, a The owner or operator shall annually submit a copy of these logs representing the previous 12 months throughputs shall be submitted annually to the Department. If any throughput requirement provided in A.R.S. § 41-2132(C) and R20-2-903(A) this Article is exceeded for any month, the owner or operator shall notify the Department in writing within 30 days, and The owner or operator shall within 6 months after the end of the month the throughput is exceeded, install and operate a stage II vapor recovery system conforming to this Article within 6 months of the end of the month that the throughput requirements are exceeded or before the compliance date in A.R.S. § 41-2132(I), whichever is later.

- D. All An owner or operator shall keep all records required by this Article shall be kept at the gasoline dispensing site for a minimum of one at least 1 year and shall be made make these records available to the Department upon request.

**R20-2-909 R20-2-910 Annual Tests**

- A. The stage I and stage II tests required in by A.R.S. § 41-2065(15) shall be the tests are described in R20-2-905(D) this Article. These tests shall be arranged by the owner or operator and conducted annually prior to the expiration date of the operating permit issued following successful completion of initial inspection and acceptance tests or the last renewal. The owner or operator shall arrange these tests annually, with Department approval, to be completed by the annual test date. The annual test date is established on the date of the last annual test or a later date approved by the Department. The annual test shall be performed in the presence of a witness from the Department. Within 30 days before the annual test date, the owner or operator shall contact the Department by phone or facsimile and arrange a schedule for tests to be overseen by a Department official.
- B. If the site fails to pass any of the tests required pursuant to by subsection (A), the owner or operator shall make any necessary repairs or adjustments. The owner or operator shall also submit to the Department a \$300 the appropriate reinspection fee and shall reschedule with the Department by phone or facsimile a time for repeat tests to be conducted so that they may again be over seen witnessed by a the Department official.
- C. If an owner or operator's testing contractor has not begun the annual stage II pressure decay test within 30 minutes of the scheduled start time, the Department may defer testing to another time.

**R20-2-911. Compliance Inspections**

In addition to the annual test, the Department shall conduct a compliance inspection of Stage I and Stage II vapor recovery installations at least annually. Compliance inspections shall be unannounced. If results of the compliance inspection reveal violations of A.R.S. Title 41, Chapter 15 or this Article, the Department may require the owner or operator to schedule a specific test as required in R20-2-910.

**R20-2-910 R20-2-912 Enforcement**

- A. If an official of the Department finds that stage II vapor recovery equipment at a gasoline dispensing site is defective or otherwise in violation of one or more of the provisions of this Article or A.R.S. Title 41, Chapter 15, Article 7, the official Department shall issue to the owner or operator a stop-use order DWM-53 pursuant to A.R.S. §§ 41-2065(15) and 41-2066(A)(2) with respect to the equipment in violation. The order shall extend to all equipment at the site that has reduced vapor recovery performance due to a violation. One or more stop-sale, stop-use tags shall then be affixed to the equipment A tag that is the subject of the order in such a manner as to be seen by the shall then be affixed to the equipment in public or any individual on the premises near the gasoline dispensing equipment view. Equipment subject to a stop-use order shall not be put back in service until reauthorized for use by the Department. The owner or operator may be required to demonstrate that a Stage II vapor recovery system meets the 95% effective level by conducting one or more of the tests specified in R20-2-905(D) this Article before the equipment may be placed in service.
- B. The owner or operator of a gasoline dispensing site that has been issued a stop-use order DWM-53 pursuant to subsection (A) of this Section may request an informal review of the

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order by making the a request in writing to the Director Department within ten 10 business days of the order. Notice of the time and place of the informal review shall be mailed to the requester owner or operator at least five 5 business days prior to the informal review. Disposition of the informal review shall be mailed to the owner or operator within five 5 business days after conclusion of the informal review. Unless

the order is vacated by the Director Department, or the equipment is reauthorized for use by the Department, the ~~stop-use~~ order DWM-53 shall remain in effect during these proceedings.

- C. The Department may impose civil penalties for stage I and stage II violations pursuant to A.R.S. § 41-2115.

**NOTICE OF FINAL RULEMAKING**

**TITLE 20. COMMERCE, BANKING, AND INSURANCE**

**CHAPTER 5. THE INDUSTRIAL COMMISSION OF ARIZONA**

**PREAMBLE**

- |                                    |                                 |
|------------------------------------|---------------------------------|
| 1. <u><b>Sections Affected</b></u> | <u><b>Rulemaking Action</b></u> |
| Article 4                          | Amend                           |
| R20-5-401                          | Amend                           |
| R20-5-402                          | Amend                           |
| R20-5-404                          | Amend                           |
| R20-5-406                          | Amend                           |
| R20-5-407                          | Amend                           |
| R20-5-408                          | Amend                           |
| R20-5-409                          | Amend                           |
| R20-5-410                          | Amend                           |
| R20-5-411                          | Amend                           |
| R20-5-412                          | Amend                           |
| R20-5-413                          | Amend                           |
| R20-5-414                          | Amend                           |
| R20-5-415                          | Amend                           |
| R20-5-416                          | Amend                           |
| R20-5-417                          | Amend                           |
| R20-5-418                          | Amend                           |
| R20-5-419                          | New Section                     |
| R20-5-420                          | New Section                     |
2. **The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
 Authorizing Statute: A.R.S. § 23-474(3).  
 Implementing Statutes: A.R.S § 23-476(A)(1); A.R.S. § 23-485.
3. **Effective date of the rules:**  
 October 9, 1998.
4. **A list of previous notices appearing in the Register addressing the final rule:**  
 Notice of Rulemaking Docket Opening, 2 A.A.R. 1315, March 22, 1996.  
 Notice of Formal Rulemaking Advisory Committee, 2 A.A.R. 1322, March 22, 1996.  
 Notice of Proposed Rulemaking, 4 A.A.R. 1438, June 26, 1998.
5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
 Name: Laura L. McGrory, Assistant Chief Counsel  
 Address: 800 West Washington St.  
 Phoenix, Arizona 85007  
 Telephone: (602) 542-5781  
 Fax: (602) 542-6783
6. **An explanation of the rule, including the agency's reason for initiating the rule:**  
 In response to the requirement of A.R.S § 41-1072 et seq. to enact licensing time-frame rules, the Industrial Commission initiated rulemaking to provide time-frames and requirements for the issuance of special inspector certificates under A.R.S. § 23-485. To ensure worker and public safety, the Industrial Commission also recognized that R20-5-401 et seq. needed to be updated to reference and include the most recent changes in national consensus standards applicable to the safe installation, operation, and maintenance of boilers and lined hot water heaters. Further, boiler and lined hot water heater manufacturers are



currently producing their products to meet the more recent national consensus standards. The Industrial Commission finds it necessary to update the rules to ensure that these newer devices are installed, operated, and maintained under the standards that they were designed, manufactured, and installed to meet. Last, in an effort to make the rules easier to read, the Industrial Commission is amending the style, form and language of the rules.

7. **A showing of good cause why the rule is necessary to promote statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

The rule changes do not diminish a previous grant of authority of a political subdivision of this state.

8. **The summary of the economic, small business, and consumer impact statement:**

The economic, small business, and consumer impact statement focuses on 2 areas. The 1st area is the impact on the Industrial Commission and general public as a result of the rules. The 2nd area is the impact on the regulated community as a result of the rules establishing time-frames and incorporating by reference, and requiring compliance with, current addendum to national standards applicable to boilers and lined hot water heaters. The regulated community includes owners, users, operators, and authorized inspectors of boilers or lined hot water heaters.

The rules establishing licensing time-frame rules are expected to have minimal (less than \$1,000) economic impact on the Industrial Commission. The costs incurred by the Industrial Commission are the costs associated with the rulemaking process. The Industrial Commission does not anticipate that the adoption of licensing time-frame rules will require additional staff or time. The Industrial Commission anticipates that both the agency and the public will benefit from having rules define the certification process for special inspectors under A.R.S. § 23-485.

The Industrial Commission anticipates that the rules incorporating by reference and requiring compliance with updated national standards for boilers and lined hot water heaters will not impact its responsibility to conduct inspections. The number and scope of inspections will not change as a result of incorporating current addendum to national standards.

The Industrial Commission anticipates that the rules incorporating by reference and requiring compliance with current addendum to national standards for boilers and lined hot water heaters will not have a significant impact (less than \$1,000, if any) on the majority of persons who use, operate, or own boilers or lined hot water heaters since approximately 98% of the boilers and lined hot water heaters operated in Arizona (approximately 10,000 units located in Arizona) already comply with national standards. However, to reduce the impact upon owners or users of non-standard or very old boilers and lined hot water heaters, or owners or users of boilers or lined hot water heaters installed, repaired, or reinstalled, before the effective date of Article 4, the rules permit owners and users to comply with the updated national standards or comply with the national standards in effect at the time the boiler or heater was originally installed, repaired, or reinstalled.

Those owners and users who repair or reinstall a boiler or lined hot water heater after the effective date of Article 4 will be required to ensure that the repair or reinstallation complies with the current addendum to the national standards. The Industrial Commission believes that the majority of owners or users (approximately 95%) will not experience a significant increase in cost (less than \$1,000), if any, as a result of the rule changes. The cost to repair or reinstall a boiler or heater under the standards currently in effect is approximately the same as the cost to repair or reinstall a boiler or heater under the current addendum to the national standards. In some instances, an owner or user may experience a cost savings depending on the nature of the repair. For the very old boiler or heater (less than 2% of the total units known), the cost to repair or reinstall the boiler or heater under either the standards currently in effect or the addendum to the national standards could be significant (greater than \$10,000). In those cases, an owner or user may elect to purchase a new boiler or heater. The cost to purchase a new boiler or heater varies depending on the size of the boiler or heater.

A user or owner of a fully attended boiler benefits from the proposed rules because the rules permit less frequent internal inspections of a fully attended boiler. This saves an owner or user time and money because the boiler does not have to be shut down as frequently for inspections.

Requiring compliance with updated national standards protects individuals working on and around a boiler or lined hot water heater and ensures the safety of the general public. Worker and public safety outweighs the costs incurred by an owner or user of a boiler or lined hot water heater.

9. **A description of the changes between the proposed rule, including supplemental notices, and final rules:**

The Industrial Commission ("ICA") made the following changes to the proposed rules. Language added after the proposed rules were published are indicated by bold underlined text. Language stricken from the proposed rules are indicated by bold strike outs. The ICA's reason for the change is indicated in italics.

R20-5-404. Minimum Standards for Boilers and Lined Hot Water Storage Heaters

**A. Compliance with National Consensus Standards.**

1. **An owner, user, or operator of a boiler installed, repaired, replaced, or reinstalled in Arizona, on or after the effective date of this Article shall comply with the 1995 ASME Boiler and Pressure Vessel Code, Sections I, II, IV, V, and IX, 1995 Edition and addenda as of June 30, 1997, incorporated by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the American Society of Mechanical Engineers at International Three Park Avenue, New York, New York 10016-5990 or at <http://www.asme.org/>.**



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2. An owner, user, or operator of a boiler installed, repaired, replaced, or reinstalled in Arizona, before the effective date of this Article shall comply with the ASME Boiler and Pressure Vessel Code in effect at the time of the last most recent installation, repair, replacement, or reinstallation of the boiler in Arizona prior to the effective date of this Article, or as An alternative, an owner, user, or operator of a boiler described in this subsection may comply with subsection (A)(1)

3. An owner, user, or operator of an oil-fired lined hot water storage heater installed, operated, repaired, replaced, or reinstalled in Arizona, shall comply with the UL 732 Standard for Safety, Oil-Fired Water Heaters, UL 732, ANSI Z95.3-1975, April 17, 1975, incorporated by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from Underwriters Laboratories, Inc. at 1655 Scott Boulevard, Santa Clara, California 95050 or <http://www.ul.com/>. The incorporated material may also be obtained from the American National Standards Institute at 11 West 42nd St., New York, New York 10036 or at <http://web.ansi.org/>.

4. An owner, user, or operator of a gas-fired lined hot water storage heater installed, operated, repaired, replaced, or reinstalled in Arizona shall comply with the American National Standard for Gas Water Heaters, ANSI Z21.10.3-1975, Volume 3, October 17, 1975, incorporated by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the American National Standards Institute at 11 West 42nd St., New York, New York 10036 or at <http://web.ansi.org/>.

5. An owner, user, or operator of a boiler installed, repaired, replaced, or reinstalled in Arizona after the effective date of this Article shall comply with the American National Standard for Controls and Safety Devices for Automatically Fired Boilers, ANSI/ASME CSD-1-1995 and 1996 addenda, incorporated by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated matter. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the American Society of Mechanical Engineers at International Three Park Avenue, New York, New York 10016-5990 or at <http://www.asme.org/>. The incorporated material may also be obtained from the American National Standards Institute at 11 West 42nd St., New York, New York 10036 or at <http://web.ansi.org/>.

6. An owner, user, or operator of a boiler installed, repaired, replaced, or reinstalled in Arizona, before the effective date of this Article shall comply with the American National Standard for Controls and Safety Devices for Automatically Fired Boilers in effect at the time of the last most recent installation, repair, replacement, or reinstallation of a boiler in Arizona prior to the effective date of this Article, or as An alternative, an owner, user, or operator of a boiler described in this subsection may comply with subsection (A)(5).

7. A permanent source of outside air shall be provided for each boiler and lined hot water storage heater room to assure complete combustion of the fuel as required by ANSI Z223.1-1988, NFPA 54, National Fuel Gas Code incorporated by reference and on file with the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated matter. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the American National Standards Institute at 11 West 42nd St., New York, New York 10036 or at <http://web.ansi.org/>.

*In response to comments from GRRC staff, throughout R20-5-404, the ICA added language clarifying the name of the material incorporated by reference, and adding addresses from where the incorporated material may be obtained.*

**R20-5-406. Repairs and Alterations**

B. Repairs and alterations to boilers shall conform to the applicable provisions of the National Board Inspection Code, ANSI/NB-23-1995 Edition and 1996 addenda Rev. 7, 1989, (but not including any later amendments or additions) which is incorporated herein by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors at 1055 Crupper Avenue, Columbus, Ohio 43229-1183 or at <http://www.nationalboard.org/>.

E. Repairs of fittings or appliances shall comply with the requirements of the National Board Inspection Code, ANSI/NB-23 1995 Edition and 1996 addenda 1989 edition incorporated by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors at 1055 Crupper Avenue, Columbus, Ohio 43229-1183 or at <http://www.nationalboard.org/>.

F. Replacement of fittings or appliances shall comply with the requirements of the 1995 ASME Boiler and Pressure Vessel Code, Sections I, II, IV, V, and IX, 1995 Edition and addenda as of June 30, 1997 ASME Code, 1989 Edition incorporated by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors at 1055 Crupper Avenue, Columbus, Ohio 43229-1183 or at <http://www.nationalboard.org/>. A copy of the incorporated material may also be obtained from the American Society of Mechanical Engineers at International Three Park Avenue, New York, New York 10016-5990 or at <http://www.asme.org/>.

*The ICA made these changes in response to comments from GRRC staff.*

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**R20-5-407. Inspection of Boilers and Lined Hot Water Storage Heaters and Issuance of Inspection Certificates**

A. An authorized inspector ~~Authorized inspectors~~ shall comply with the guidelines set forth in the *National Board Inspection Code*, ANSI/NB-23 1995-1989 Edition and 1996 addenda, incorporated by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors at 1055 Crupper Avenue, Columbus, Ohio 43229-1183 or at <http://www.national-board.org/>.

~~C.D. An As~~ authorized inspector shall not engage in the sale of any object article or device relating to boilers, lined hot water storage heaters, or ~~their appurtenances~~ equipment associated with boiler or lined hot water storage systems.

~~D.E Under A.R.S. § 23-485 (D)~~ Within 60 days of the date of inspection, a special inspector shall submit inspection reports shall be submitted to the Division on forms equivalent to Form NV-6 of the *National Board Inspection Code*, Appendix G, 1995-1989 Edition and 1996 addenda, incorporated by reference and on file with the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated matter. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors at 1055 Crupper Avenue, Columbus, Ohio 43229-1183 or at <http://www.nationalboard.org/>.

~~F.G. An owner, user, or operator shall ensure that an authorized inspector tags or stamps a steam boiler with an identification number assigned by the Division immediately~~ Immediately after installing, but before operating Upon completion of the installation of a new steam boiler, or when an authorized inspector performs an ~~at the time of an initial certificate inspection of an existing steam boiler,~~ an owner, user, or operator shall ensure that an authorized inspector tags or stamps the steam boiler it shall be tagged or stamped by an authorized inspector with an identification number assigned by the Division. The identification number shall be no less than at least 5/16" inch in height and in of the following format:

AZ-# # # #

*The ICA made these changes in response to comments from GRRC staff.*

**R20-5-409. Notification and Preparation for Inspection**

B. Before an authorized inspector performs an internal inspection of a boiler, an owner, user, or operator shall: ~~The owner/ operator shall prepare each boiler for internal inspection in the following manner:~~

7. Close, tag, and padlock the non-return and steam stop valves before ~~Before opening the manhole or handhole covers and entering any part of the steam generating unit that is connected to a common header with other boilers,~~ the non-return and steam stop valves shall must be closed, tagged, and padlocked. ~~Open the~~ The free blow drain or cock between the non-return and steam stop two valves shall be opened; and

8. Close, tag, and padlock the ~~The blowoff valves shall be closed, tagged, and padlocked after draining the boiler.~~

9. Open all ~~All drains and vent lines shall be opened.~~

*The ICA made this change in response to comments from GRRC staff.*

**R20-5-410. Report of Accident**

An owner, user, or operator shall immediately notify the Division ~~The Division shall be notified by the owner/operator in case of an explosion, severe over-heating, or personal injury accident involving a boiler or lined hot water storage heater explosion, severe over-heating or personal injury. A person shall not remove or disturb the involved boiler or lined hot water storage heater or~~ Notice shall be given immediately, and neither the involved boiler or lined hot water storage heater, nor any parts of the boiler or lined hot water storage heater thereof, shall be removed or disturbed before an investigation has been made by an authorized inspector, except for the purpose of preventing personal injury and/ or limiting consequential damage.

*The ICA made this change in response to comments from GRRC staff.*

**R20-5-413. Safety and Safety Relief Valves**

~~D.B.~~ In addition to the requirements of subsections (A) through (C), the following requirements apply to safety ~~Safety valves for power boilers shall meet the following requirements:~~

9. Weighted ~~The use of weighted lever safety valves or safety valves having either a cast iron the seat or disk shall not be used of cast iron is prohibited. Safety valves~~ Valves of this type construction shall be replaced by valves that conform to the requirements of the 1995 ASME Boiler and Pressure Vessel Code, Section I, 1995 Edition and addenda as of June 30, 1997, incorporated by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated material A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the American Society of Mechanical Engineers at International Three Park Avenue, New York, New York 10016-5990 or at <http://www.asme.org/>. ASME Code, Section I, 1989 Edition; and

*The ICA made these changes in response to comments from GRRC staff.*

**R20-5-415. Boiler Blowdown and Blowoff** ~~Blowdown/Blowoff Equipment~~

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A. ~~Except as provided in this Section, an owner, user, or operator of blowdown and blowoff~~ Blowdown equipment shall ~~com-~~  
~~ply with~~ ~~conform to the provisions set forth in the National Board Rules and Recommendations for the Design and Construction~~  
~~of Boiler Blowoff Systems, 1991 1973 Edition, (but not including any later amendments or additions) which is incorporated~~  
~~herein by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amend-~~  
~~ments or editions of the incorporated material, except that the minimum thickness of blowdown vessels shall be 3/16 inch. A~~  
~~copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the~~  
~~National Board of Boiler and Pressure Vessel Inspectors at 1055 Crupper Avenue, Columbus, Ohio 43229-1183 or at http://~~  
~~www.nationalboard.org/.~~

G. E. In addition to the requirements of subsections (A) through (F), the following requirements apply to blowdown  
Blowdown piping and valves for power boilers shall conform to the following requirements:

1. Each power boiler shall have ~~2 two~~ valves on the blowdown piping. ~~The valves shall be designed for the pressure~~  
~~and temperature of the maximum operating pressure of the boiler. The blowdown piping These valves shall may be either have~~  
~~2 two slow-opening valves or 1 one slow-opening and 1 one quick-opening valve. The slow-opening valve shall be a of the wye~~  
~~type valve construction, except that or angle valves may be used in vertical pipes, or they may be used in horizontal runs of pip-~~  
~~ing, if the angle valves provided they are so constructed or installed so that the lowest edge of the opening through the seat of~~  
~~the angle valve is at least 25% percent of the inside diameter below the center line of the angle valve.~~

3. Quick-opening valves, including ball valves, shall be constructed and approved in accordance with ANSI/ASME  
B31.1-1995 1986 Edition, *Power Piping*, ~~(but not including any later amendments or editions) which is incorporated herein by~~  
~~reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or edi-~~  
~~tions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Ari-~~  
~~zona and may be obtained from the American Society of Mechanical Engineers at International Three Park Avenue, New~~  
~~York, New York 10016-5990 or at http://www.asme.org/.~~

H. F. In addition to the requirements of subsections (A) through (F), the The following requirements apply to for bottom  
blowdown or drain ~~valves~~ valve for heating boilers:

3. Discharge piping connected to a bottom blowdown or bottom drain connection, or both, shall be the same pipe size as the  
connection full size to the discharge.

*The ICA made these changes in response to comments from GRRC staff.*

R20-5-417. Maintenance and Operation of Power Boilers; Qualifications for Operators of Power Boilers

C. B. ~~An owner, user, or user of a power boiler owner/operator having title to, or control over, the operation of a boiler,~~  
~~as described in subsection (A), shall act as, or designate an individual, a qualified boiler operator who that meets the require-~~  
~~ments of subsection (E) (D) to operate the boiler. An owner, user, or user may operate the boiler if the owner, user, or user~~  
~~meets the requirements of subsection (E) (D).~~

D. A boiler operator that meets the requirements of subsection (E) (D) shall be on the premises at all times a power  
boiler is in operation.

*The ICA made these changes to clarify the rule and correct typographical errors.*

R20-5-419. Request to Reinstall Boiler or Lined Hot Water Heater

A. The Division shall grant or deny permission to reinstall a boiler or lined hot water heater within 3 business working days  
after an owner or user requests permission to reinstall the boiler or lined hot water heater. The order of the Division granting or  
denying permission to reinstall a boiler shall be in writing.

B. The Division shall grant permission to reinstall a boiler or lined hot water heater if the boiler or lined hot water heater com-  
plies with A.R.S. § 23-471 et seq. and this Article. The Division shall deny permission to reinstall a boiler or lined hot water  
storage heater if the boiler or lined hot water storage heater does not fails to comply with A.R.S. § 23-471 et seq. and this Arti-  
cle.

C. An order of the Division denying permission to reinstall a boiler shall be final unless an owner or user requests a hearing  
under A.R.S. § 23-479 within 15 days after the Division mails the order. The owner or user requesting a hearing shall have the  
burden to prove burden that a boiler meets the requirements of A.R.S. § 23-471 et seq. and this Article.

*The ICA made these changes in response to comments from GRRC staff.*

R20-5-420. Special Inspector Certificate Under A.R.S. § 23-485

D. Notice of Eligibility.

1. If an applicant is eligible to take the National Board Examination, the Division shall issue a written notice of eligi-  
bility to the applicant. If an applicant is not eligible to take the National Board Examination, the Division shall issue a written  
notice denying eligibility to the applicant. The written notice shall contain findings of fact and conclusions of law. The Com-  
mission shall deem the notice denying eligibility final if an applicant does not request a hearing within 15 days after the Division  
mails the notice.

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2. If an applicant meets the criteria of A.R.S. § 23-485 and subsection (C), the Division shall issue a certificate to the applicant under subsection (G). If an applicant fails to meet the criteria of A.R.S. § 23-485 and subsection (C), the Division shall issue a written notice denying eligibility to the applicant. ~~The written notice shall contain findings of fact and conclusions of law.~~ The Commission shall deem the notice denying eligibility final if an applicant does not request a hearing within 15 days after the Division mails the notice.

E. Written Examination under A.R.S. § 23-485(A).

1. The written examination described in A.R.S. § 23-485(A) shall be the National Board Examination of the National Board of Boiler and Pressure Vessel Inspectors.

2. The Division shall administer the National Board Examination the 1st Wednesday and Thursday of every March, June, September, and December to eligible applicants. Within 2 days after the Division administers the National Board Examination, the Division shall return the examinations of eligible applicants to the National Board of Boiler and Pressure Vessel Inspectors. ~~Examinations taken by eligible applicants within 2 days after an examination is taken by an applicant.~~ Examinations shall be graded by the National Board of Boiler and Pressure Vessel Inspectors.

3. An applicant is qualified to take the National Board Examination if the applicant meets the criteria established by the *Rules and Regulations of the National Board of Boiler and Pressure Vessel Inspectors, Rules and Regulations, Article I, NB 215, 1994, which is incorporated by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors at 1055 Crupper Avenue, Columbus, Ohio 43229-1183 or at <http://www.nationalboard.org/>.*

Throughout the rule package, the ICA changed "one" to "1", "two" to "2" and "first" to "1st", "when" to "if". The ICA also changed the words "BTU" to "Btu" and "fails to" to "does not". The ICA made other miscellaneous changes to grammar and punctuation to improve the clarity of the rules.

10. Summary of principal comments and agency response to them.

The Industrial Commission did not receive any written or verbal comments.

11. Any other matters prescribed by statute that are applicable to the specific rule or class of rules:

None.

12. Incorporation by reference and their location in the rules:

*1995 ASME Boiler and Pressure Vessel Code*, Sections I, II, IV, V, and IX, and addenda as of June 30, 1997 is referenced in R20-5-404(A)(1), R20-5-406(F), R20-5-413 (D)(9).

*UL 732 Standard for Safety, Oil-Fired Water Heaters*, ANSI Z95.3-1975, April 17, 1975, is referenced in R20-5-404(A)(3).

*American National Standard for Gas Water Heaters*, ANSI Z21.10.3-1975, Volume 3, October 17, 1975, is referenced in R20-5-404(A)(4).

*American National Standard for Controls and Safety Devices for Automatically Fired Boilers*, ANSI/ASME CSD-1-1995 and 1996 addenda is referenced in R20-5-404(A)(5).

*National Fuel Gas Code*, ANSI Z223.1-1988, NFPA 54, is referenced in R20-5-404(A)(7).

*National Board Inspection Code*, ANSI/NB-23 1995 Edition and 1996 addenda is referenced in R20-5-406(B) and (E) and R20-5-407(A) and (D).

*National Board Rules and Recommendations for the Design and Construction of Boiler Blowoff Systems*, 1991 Edition, is referenced in R20-5-415(A).

*Power Piping*, ANSI/ASME B31.1-1995 Edition, is referenced in R20-5-415(G)(3).

*Rules and Regulations of the National Board of Boiler and Pressure Vessel Inspectors*, Article 1, NB 215, 1994, is referenced in R20-5-420(E)(3).

13. Whether the rule was previously adopted as an emergency rule and, if so, whether the text was changed between adoption as an emergency and the adoption of these final rules:

No.

14. The full text of the rules follows:

**TITLE 20. COMMERCE, BANKING, AND INSURANCE**

**CHAPTER 5. THE INDUSTRIAL COMMISSION OF ARIZONA**

**ARTICLE 4. ARIZONA BOILER AND LINED HOT**

**WATER HEATER Rules regulations**

Section

R20-5-401. Applicability

R20-5-402. Definitions

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- R20-5-404. Minimum Standards for Boilers and Lined Hot Water Storage Heaters
- R20-5-406. Repairs and Alterations
- R20-5-407. Inspection of Boilers and Lined Hot Water Storage Heaters and Issuance of Inspection Certificates
- R20-5-408. Frequency of Inspection
- R20-5-409. Notification and Preparation for Inspection
- R20-5-410. Report of Accident
- R20-5-411. Hydrostatic Tests
- R20-5-412. Automatic Low Water Fuel Cutoff Devices or and/or Combined Water Feeding and Fuel Feeding/Fuel Cutoff Devices
- R20-5-413. Safety and Safety Relief Valves
- R20-5-414. Pressure Reducing Valves
- R20-5-415. Boiler Blowdown and Blowoff ~~Blowdown/Blow-off~~ Equipment
- R20-5-416. Maximum Allowable Working Pressure
- R20-5-417. Maintenance and Operation of Power Boilers; Qualifications for Operators of Power Boilers
- R20-5-418. ~~Age Limit of Non-standard Boilers~~
- R20-5-419. Request to Reinstall Boiler or Lined Hot Water Heater
- R20-5-420. Special Inspector Certificate under A.R.S. § 23-485

**ARTICLE 4. ARIZONA BOILER AND LINED HOT WATER HEATER Rules regulations**

**R20-5-401. Applicability**

This Article applies to all boilers and lined hot water storage heaters operated in the State of Arizona, except the following:

1. Boilers and lined hot water storage heaters regulated by the United States Government;
2. Boilers and lined hot water storage heaters operated in private residences or apartment complexes of not more than 6 six units, and;
3. Boilers and lined hot water storage heaters operated on Indian reservations.

**R20-5-402. Definitions**

In this Article, unless the text otherwise requires:

- 1- "Act" means Arizona Revised Statutes, Title 23, Chapter 2, Article 11.
- 2- "Alteration" means a change in any item described on the original manufacturer's data report which affects the pressure-containing ability of the boiler except for "Repairs."  
"Applicant" means an individual requesting permission to act as a special inspector under A.R.S. § 23-485.
- 3- "ASME A-S-M-E-Code" means the *Boiler and Pressure Vessel Code*, Sections I, II, IV, V, and IX, published by the American Society of Mechanical Engineers.
- 4- "Authorized Inspector" means an authorized any of the following: a. Authorized representative under pursuant to A.R.S. § 23-471.1 or a special inspector under b. Special Inspector pursuant to A.R.S. § 23-485.
- 5- "Blowdown tank" or "blowdown separator" means an ASME stamped vessel designed to receive discharged steam or hot water from a boiler.
- 6- "Condemned boiler or lined hot water storage heater" means a boiler or lined hot water storage heater that has been inspected and found to be unsafe by the Director or authorized inspector representative and which has been stamped or tagged in accordance with R20-5-407(H).

- 7- "Direct fired jacketed steam kettle" means a metallic vessel (other than a sterilizer) in which steam or vapor is generated.
- 8- "External inspection" means an examination of a boiler or lined hot water storage heater performed inspection made by an authorized inspector when the a boiler or lined hot water storage heater is in operation.  
"Fully attended boiler" means a boiler that is operated by an individual who meets the requirements of R20-5-417 and whose primary function is the care, maintenance, and operation of the boiler and the equipment associated with the boiler system.
- 9- "Inspection certificate" means a document certificate issued by the Division for the operation of a boiler or lined hot water storage heater under pursuant to the Act.
- 10- "Internal inspection" means a complete examination inspection of the internal and external surfaces of a boiler or lined hot water storage heater by an authorized inspector after the boiler or lined hot water storage heater unit is shut down.
- 11- "Relief valve" means an ASME stamped automatic pressure relieving device designed for liquid service which is actuated by the pressure upstream of the valve and opens further with an increase in pressure above the stamped pressure.
- 12- "Repairs" means work necessary to restore a boiler or lined hot water storage heater to a safe and satisfactory operating condition that complies with this Article, provided in all cases the basic design is not altered and the repairs follow the ASME Code to which the unit was originally constructed.
- 13- "Safety relief valve" means an ASME stamped automatically pressure-actuated relieving device designed for use either as a safety valve or as a relief valve.
- 14- "Safety valve" means an ASME stamped automatic pressure relieving device designed for steam or vapor service which is actuated by the pressure upstream of the valve and characterized by full opening pop-action.
- 15- "Secondhand boiler or secondhand lined hot water storage heater" means a boiler or lined hot water storage heater that which has changed both location and ownership since original installation.  
"User" means a person or entity that does not have legal title to a boiler or lined hot water storage heater, but has control and responsibility for the operation of a boiler or lined hot water storage heater (for example, lessee).

**R20-5-404. Minimum Standards for Boilers and Lined Hot Water Storage Heaters**

**A. Compliance with National Consensus Standards.**

1. An owner, user, or operator of a boiler installed, repaired, replaced, or reinstalled in Arizona, on or after the effective date of this Article shall comply with the 1995 ASME Boiler and Pressure Vessel Code, Sections I, II, IV, V, and IX, and addenda as of June 30, 1997, incorporated by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the American Society of Mechanical Engineers at International Three Park Avenue, New York, New York 10016-5990 or at <http://www.asme.org/>.
2. An owner, user, or operator of a boiler installed, repaired, replaced, or reinstalled in Arizona, before the

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effective date of this Article shall comply with the ASME Boiler and Pressure Vessel Code in effect at the time of the last installation, repair, replacement, or reinstallation of the boiler in Arizona. As an alternative, an owner, user, or operator of a boiler described in this subsection may comply with subsection (A)(1).

3. An owner, user, or operator of an oil-fired lined hot water storage heater installed, operated, repaired, replaced, or reinstalled in Arizona, shall comply with the UL 732 Standard for Safety, Oil-Fired Water Heaters, ANSI Z95.3-1975, April 17, 1975, incorporated by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from Underwriters Laboratories, Inc. at 1655 Scott Boulevard, Santa Clara, California 95050 or <http://www.ul.com/>. The incorporated material may also be obtained from the American National Standards Institute at 11 West 42nd St., New York, New York 10036 or at <http://web.ansi.org/>.
4. An owner, user, or operator of a gas-fired lined hot water storage heater installed, operated, repaired, replaced, or reinstalled in Arizona shall comply with the American National Standard for Gas Water Heaters, ANSI Z21.10.3-1975, Volume 3, October 17, 1975, incorporated by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the American National Standards Institute at 11 West 42nd St., New York, New York 10036 or at <http://web.ansi.org/>.
5. An owner, user, or operator of a boiler installed, repaired, replaced, or reinstalled in Arizona after the effective date of this Article shall comply with the American National Standard for Controls and Safety Devices for Automatically Fired Boilers, ANSI/ASME CSD-1-1995 and 1996 addenda, incorporated by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated matter. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the American Society of Mechanical Engineers at International Three Park Avenue, New York, New York 10016-5990 or at <http://www.asme.org/>. The incorporated material may also be obtained from the American National Standards Institute at 11 West 42nd St., New York, New York 10036 or at <http://web.ansi.org/>.
6. An owner, user, or operator of a boiler installed, repaired, replaced, or reinstalled in Arizona, before the effective date of this Article shall comply with the American National Standard for Controls and Safety Devices for Automatically Fired Boilers in effect at the time of the last installation, repair, replacement, or reinstallation of a boiler in Arizona. As an alternative, an owner, user, or operator of a boiler described in this subsection may comply with subsection (A)(5).
7. A permanent source of outside air shall be provided for each boiler and lined hot water storage heater room to assure complete combustion of the fuel as required by

ANSI Z223.1-1988, NFPA 54, National Fuel Gas Code incorporated by reference and on file with the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated matter. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the American National Standards Institute at 11 West 42nd St., New York, New York 10036 or at <http://web.ansi.org/>.

**B. Installation, Maintenance, and Repair Requirements.**

1. An owner, user, or operator shall ensure that a signed copy of the Manufacturer's Data Report for a boiler or lined hot water storage heater is kept at the location of the boiler or lined hot water storage heater and available for review upon request from an authorized inspector.
2. A boiler shall have masonry or structural supports of sufficient strength and rigidity to safely support the boiler and its contents without any vibration in the boiler or its connecting piping.
3. A boiler or lined hot water storage heater installed in new construction shall have at least 3 feet clearance between the top of the boiler or lined hot water storage heater and the ceiling, and at least 3 feet clearance between all sides of the boiler or lined hot water storage heater and adjacent walls, structures, or other equipment.
4. A boiler with a manhole shall have at least 5 feet clearance between the boiler manhole and any wall, ceiling, or piping.
5. An owner, user, or operator shall ensure that a boiler or lined hot water storage heater is located to provide space to permit an operator or authorized inspector to safely operate, maintain, and inspect the boiler, lined hot water storage heater, and equipment associated with the boiler or lined hot water storage heater systems.
6. A newly constructed boiler room in excess of 500 square feet floor area and containing 1 or more boilers having a total fuel capacity of 1,000,000 Btu per hour, or equivalent electrical heat input, shall have at least 2 exits on each level of the boiler or boilers. Each exit shall be remotely located from other exits.
7. An owner, user, or operator shall ensure that a boiler or lined hot water storage heater room is kept clean and with no obstructions to the boiler or lined hot water storage heater.
8. An owner, user, or operator shall ensure that combustible, flammable, or explosive materials are not stored in a boiler or lined hot water storage heater room.
9. If a boiler or lined hot water storage heater is moved outside Arizona for temporary use or repairs, the owner, user, or operator shall not reinstall the boiler or lined hot water storage heater in Arizona until the owner, user, or operator notifies and receives verbal or written permission from the Division under R20-5-419 to reinstall the boiler or lined hot water storage heater. If the Division grants permission to reinstall the boiler or lined hot water storage heater, the owner, user, or operator shall not operate the reinstalled boiler or lined hot water storage heater until the owner, user, or operator receives an inspection certificate from the Division under this Article.
10. Before installing, repairing, replacing, or reinstalling any new or used boiler, an owner, user, or operator shall notify an authorized inspector.



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11. Before installing a used boiler, an owner, user, or operator shall ensure that the boiler receives a hydrostatic test under R20-5-411.
  12. An owner, user, or operator of a portable boiler shall notify an authorized inspector before installing the portable boiler and shall not operate the portable boiler until the owner, user, or operator receives an inspection certificate from the Division.
- A. Boilers installed and operated in this state prior to the effective date of this Section shall comply with the *ASME Boiler and Pressure Vessel Code*, Sections I, II, IV, V, and IX, 1977 Edition and addenda as of December 31, 1979, (but not including any later amendments or additions) which is incorporated herein by reference and on file with the Office of the Secretary of State. Copies of these referenced materials are available for review at the Industrial Commission of Arizona and may be obtained from the American Society of Mechanical Engineers. A signed copy of the Manufacturer's Data Report shall be on file with the owner/operator of the boiler.
- B. Boilers installed and operated in this state on or after the effective date of this Section shall comply with the *ASME Boiler and Pressure Vessel Code*, Sections I, II, IV, V, and IX, 1989 Edition and addenda as of December 31, 1990, (but not including any later amendments or additions) which is incorporated herein by reference and on file with the Office of the Secretary of State. Copies of these referenced materials are available for review at the Industrial Commission of Arizona and may be obtained from the American Society of Mechanical Engineers. A signed copy of the Manufacturer's Data Report shall be on file with the owner/operator of the boiler.
- C. Oil-fired lined hot water storage heaters operated in this state shall comply with the *Standard for Oil-Fired Water Heaters*, UL 732m Third Edition, June 20, 1974, (but not including any later amendments or additions) which is incorporated herein by reference and on file with the Office of the Secretary of State. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from Underwriters Laboratories, Inc.
- D. Gas-fired lined hot water storage heaters operated in this state shall comply with the *American National Standard for Gas Water Heaters*, ANSI Z21.10.3-1975, Volume 3, (but not including any later amendments or additions) which is incorporated herein by reference and on file with the Office of the Secretary of State. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the American National Standards Institute.
- E. Owners/operators of boilers installed and operated on or after the effective date of this Section shall comply with the *American National Standard for Controls and Safety Devices for Automatically Fired Boilers*, ANSI/ASME CSD-1-1982 and 1984 addenda, (but not including any later amendments or additions) which is incorporated herein by reference and on file with the Secretary of State. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the American Society of Mechanical Engineers.
- F. Each boiler shall be supported by masonry or structural supports of sufficient strength and rigidity to safely support the boiler and its contents without vibration in the boiler or its connecting piping.
- G. Boilers and lined hot water storage heaters installed in new construction shall have a minimum distance of three feet between the top of the vessel proper and the ceiling and at least three feet between all sides of the vessel and adjacent walls, structures or other equipment. Boilers having manholes shall have five feet clearance between the manhole opening and any wall, ceiling or piping that may prevent a person from entering the boiler. Boilers and lined hot water storage heaters shall be located so that adequate space is provided for the proper operations, maintenance and inspection of equipment and appurtenances.
- H. Boiler rooms for new construction exceeding 500 square feet floor area and containing one or more boilers having a total fuel capacity of 1,000,000 BTU per hour, or equivalent electrical heat input, shall have at least two means of exit for each level. Each exit shall be remotely located from the others.
- I. A permanent source of outside air shall be provided for each boiler and lined hot water storage heater room to assure complete combustion of the fuel as well as to maintain a minimum of 19.5 percent oxygen in the air of the room.
- J. Boiler and lined hot water storage heater rooms shall be kept clean and with free access to the boiler or lined hot water storage heater. No combustible, flammable or explosive materials shall be stored within the room.
- K. If a boiler or lined hot water storage heater is moved outside Arizona for temporary use or repairs, the owner/operator shall obtain permission from the Division before reinstalling the boiler or lined hot water storage heater in Arizona.
- L. Prior to installing a used or secondhand boiler or lined hot water storage heater, an inspection shall be made by an authorized inspector. The boiler or lined hot water storage heater shall comply with the requirements of this Article, including a hydrostatic test pursuant to R20-5-411.

**R20-5-406. Repairs and Alterations**

- A. If Where repairs or alterations may affect the working pressure or safety of a boiler, an owner, user, or operator shall consult with an authorized inspector before having the repairs or alterations made, an authorized inspector shall be called for consultation. The authorized inspector shall provide the owner, user, or operator information regarding as to the best method to repair or alter the boiler of making repairs or alterations. The owner, user, or operator shall ensure that an authorized inspector inspects and approves the repairs and alterations after the After such repairs or alterations are made, they shall be inspected and approved by the authorized inspector.
- B. Repairs and alterations to boilers shall conform to the applicable provisions of the *National Board Inspection Code*, ANSI/NB-23-1995 Edition and 1996 addenda Rev. 7, 1989, (but not including any later amendments or additions) which is incorporated herein by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors at 1055 Crupper Avenue, Columbus, Ohio 43229-1183 or at <http://www.nationalboard.org/>.
- C. An owner, user, or operator shall not permit an individual to remove or repair a safety appliance of a boiler or lined hot water storage heater. No safety appliance prescribed by this Article shall be removed or repaired while the boiler or lined hot water storage heater is in operation. An owner, user, or operator shall not permit a person to remove or repair a safety appliance of a boiler or lined hot water storage heater not in operation except as provided under the ASME Code. If an owner, user, or operator permits a person to remove a safety appliance from a boiler or lined hot water heater as provided



under the ASME Code, then the owner, user, or operator shall ensure that the safety appliance is reinstalled in proper working order before the boiler or lined hot water storage heater is placed back into operation.

- D. A person shall not alter in any manner a No safety valve, relief valve, or safety relief valve shall be altered in any manner.
- E. Repairs of fittings or appliances shall comply with the requirements of the *National Board Inspection Code*, ANSI/NB-23 1995 Edition and 1996 addenda 1989 edition incorporated by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors at 1055 Crupper Avenue, Columbus, Ohio 43229-1183 or at <http://www.nationalboard.org/>.
- F. Replacement of fittings or appliances shall comply with the requirements of the *1995 ASME Boiler and Pressure Vessel Code*, Sections I, II, IV, V, and IX, and addenda as of June 30, 1997 ASME Code, 1989 Edition incorporated by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors at 1055 Crupper Avenue, Columbus, Ohio 43229-1183 or at <http://www.nationalboard.org/>. A copy of the incorporated material may also be obtained from the American Society of Mechanical Engineers at International Three Park Avenue, New York, New York 10016-5990 or at <http://www.asme.org/>.
- G. No person shall remove or do any work on any safety appliance prescribed by this Article except as provided in applicable sections of the ASME Code. Should any safety appliances be removed for repair during an outage of a boiler or lined hot water storage heater, they shall be reinstalled in proper working order before the boiler or lined hot water storage heater is placed in service

**R20-5-407. Inspection of Boilers and Lined Hot Water Storage Heaters and Issuance of Inspection Certificates**

- A. An authorized inspector Authorized inspectors shall comply with the guidelines set forth in the *National Board Inspection Code*, ANSI/NB-23 1995 1989 Edition and 1996 addenda, incorporated by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors at 1055 Crupper Avenue, Columbus, Ohio 43229-1183 or at <http://www.nationalboard.org/>.
- B. When as a result of an external inspection, it is determined that continued operation of the boiler or lined hot water storage heater constitutes a menace to public safety, the authorized inspector shall perform an internal inspection and appropriate pressure test to evaluate conditions.
- B. C. If an owner, user, or operator owner/operator fails to comply with the requirements a requirement for an inspection or pressure test under this Article, the Division shall withhold the the authorized inspector shall decline to make the inspection or test and the inspection certificate shall be withheld until the owner, user, or operator owner/operator complies with the requirements the requirement.

C.D. An As authorized inspector shall not engage in the sale of any object article or device relating to boilers, lined hot water storage heaters, or equipment associated with boiler or lined hot water storage systems.

D. E Under A.R.S. § 23-485 (D) Within 60 days of the date of inspection, a special inspector shall submit inspection reports shall be submitted to the Division on forms equivalent to Form NV-6 of the *National Board Inspection Code*, Appendix G, 1995 1989 Edition and 1996 addenda, incorporated by reference and on file with the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated matter. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors at 1055 Crupper Avenue, Columbus, Ohio 43229-1183 or at <http://www.nationalboard.org/>.

E. F. The Division shall issue to an owner or user an inspection certificate within 15 days of receipt of an inspection report that documents that If a boiler or lined hot water storage heater complies is found to comply with the Act and this Article, a valid inspection certificate shall be issued by the Division and posted by the An owner, user, or operator owner/operator of a boiler or lined hot water storage heater shall post the inspection certificate in the establishment where the boiler or lined hot water storage heater equipment is located.

F. G. An owner, user, or operator shall ensure than an authorized inspector tags or stamps a steam boiler with an identification number assigned by the Division immediately after installing, but before operating Upon completion of the installation of a new steam boiler, or when an authorized inspector performs an -at the time of an initial certificate inspection of an existing steam boiler, it shall be tagged or stamped by an authorized inspector with an identification number assigned by the Division. The identification number shall be no less than at least 5/16" inch in height and in of the following format:

AZ-# # # #

G. H. The Division shall mark with a metal dye stamp a Any boiler or lined hot water storage heater, having been inspected and declared by the Division as unfit for further service, shall be stamped with the code "XXX AZ8 XXX" which shall designate that the condemned boiler or lined hot water storage heater is condemned.

H. I. For any conditions not covered by this Article, the applicable provisions of the ASME Code that was in effect in Arizona at the time of the installation of the boiler or lined hot water storage heater shall apply.

**R20-5-408. Frequency of Inspection**

- A. An owner, user, or operator of a power boiler Power boilers, with the exception of coal-fired power boilers, shall ensure that an authorized inspector performs a certificate inspection and external inspection of the power boiler receive a certificate inspection every 12 months. Such boilers shall also An authorized inspector shall perform the external inspection while the power boiler is be inspected externally each year in operation to ensure that safety devices of the power boiler are operating properly, while under operating pressure.
- B. An authorized inspector shall perform an internal inspection and pressure test on a boiler or lined hot water storage heater if the inspector determines from an external inspection of the boiler or lined hot water storage heater that continued operation of the boiler or lined hot water storage heater is a danger to public or worker safety.

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**C. ~~B.~~** The Division shall issue a 12 month inspection certificate to an owner or user to operate a fully attended power boiler if:

1. An owner, user, or operator ensures that an authorized inspector performs an external safety inspection and audit of the operational methods and logs of the fully attended boiler at least every 12 months and performs an internal inspection of the fully attended power boiler at least every 24 months; and
2. Inspection reports of an authorized inspector document that the fully attended boiler complies with A.R.S. § 23-471 et seq. and this Article.

~~Coal-fired power boilers shall receive a certificate inspection every 18 months.~~

**D. ~~C.~~** An owner, user, or operator of a direct ~~Direct~~-fired jacketed steam kettle shall ensure that an authorized inspector performs a certificate inspection of the direct-fired jacketed steam kettle ~~receive a certificate inspection every 24 months.~~

**E. ~~D.~~** An owner, user, or operator of a heating ~~Heating~~ or process boiler ~~boilers~~, not exceeding 15 p.s.i. maximum allowable working pressure, steam or vapor, shall ensure that an authorized inspector performs a certificate inspection of the heating or process boiler ~~receive a certificate inspection every 24 months.~~

**F. ~~E.~~** An owner, user, or operator of a hot ~~Hot~~ water heating or and hot water supply boiler ~~boilers~~ shall ensure that an authorized inspector performs a certificate and external inspection of the hot water heating or hot water supply boiler ~~receive an inspection at the time the hot water heating or hot water supply boiler is installed.~~ An inspection certificate issued by the Division following an inspection under this subsection shall not state an expiration date. This inspection shall generate an inspection certificate with no expiration date. An owner, user, or operator of a hot ~~Hot~~ water heating or and hot water supply boiler ~~boilers~~ not exceeding 200,000 Btu per hour input ~~and~~ or a water temperature of 210° degrees F is shall be exempt from the inspections ~~inspection~~ required under this subsection.

**G. ~~F.~~** Except as provided in A.R.S. § 23-474(10), an owner, user, or operator of a lined ~~Lined~~ hot water storage heater ~~heaters~~ shall ensure that an authorized inspector performs a certificate and external inspection of the lined hot water storage heater ~~receive an inspection at the time the heater is installed.~~ of installation.

**H. ~~G.~~** An owner, user, or operator of a boiler or hot water storage heater shall ensure that an inspection required under A.R.S. § 23-471 et seq. and this Article is conducted no later than 30 days after an inspection certificate expires. An authorized inspector may conduct an inspection prior to expiration of the inspection certificate. A certificate inspection may be made prior to the certificate due date but shall not in any case be made later than 30 days after such date.

**R20-5-409. Notification and Preparation for Inspection**

A. An authorized inspector shall perform a certificate inspection ~~A certificate inspection shall be performed at a time mutually agreeable to the inspector and owner, user, or operator owner/operator.~~

B. Before an authorized inspector performs an internal inspection of a boiler, an owner, user, or operator shall: ~~The owner/operator shall prepare each boiler for internal inspection in the following manner:~~

1. Cool the ~~The~~ furnace and combustion chambers shall be cooled prior to inspection;
2. Drain the water ~~Water shall be drained from the boiler;~~

3. Remove the manhole ~~Manhole~~ and handhole plates, wash-out plugs, and inspection plugs in water column connections shall be removed;
4. Remove insulation ~~Insulation~~ or brickwork shall be removed if necessary to determine the condition of the boiler, headers, furnace, supports, and other parts;
5. Remove the ~~The~~ pressure gauge shall be removed for testing;
6. Prevent any ~~Any~~ leakage of steam or hot water into the boiler shall be prevented by disconnecting the involved pipe or valve;
7. Close, tag, and padlock the non-return and steam stop valves before ~~Before~~ opening the manhole or handhole covers and entering any part of the steam generating unit that is connected to a common header with other boilers, ~~the non-return and steam stop valves shall be closed, tagged, and padlocked.~~ Open the ~~The~~ free blow drain or cock between the non-return and steam stop two valves shall be opened;
8. Close, tag, and padlock the ~~The~~ blowoff valves shall be closed, tagged, and padlocked after draining the boiler; ~~and~~
9. Open all ~~All~~ drains and vent lines shall be opened.

**R20-5-410. Report of Accident**

An owner, user, or operator shall immediately notify the Division ~~The Division shall be notified by the owner/operator in case of an explosion, severe over-heating, or personal injury accident involving a boiler or lined hot water storage heater explosion, severe over-heating or personal injury. A person shall not remove or disturb the involved boiler or lined hot water storage heater or~~ Notice shall be given immediately, and neither the involved boiler or lined hot water storage heater, nor any parts of the boiler or lined hot water storage heater thereof, shall be removed or disturbed before an investigation by an authorized inspector, except for the purpose of preventing personal injury and/ or limiting consequential damage.

**R20-5-411. Hydrostatic Tests**

- A. A hydrostatic test shall not exceed 1.5 times the maximum allowable working pressure. The pressure shall be controlled ~~under proper control~~ so that in no case shall the required test pressure does not be exceed 2% ~~exceeded by more than two percent.~~
- B. During a hydrostatic test, the safety valves shall be removed or each safety valve disc shall be held to the disc's its seat by means of a testing clamp. Safety valve discs shall not be held to the disc seat and not by screwing down the compression screw upon the spring. A plug device designed for this purpose may be used to hold a safety valve disc to the disc seat.
- C. The temperature of the water used to apply a hydrostatic test shall not be less than 70°F nor more than 120°F.

**R20-5-412. Automatic Low-water Fuel Cutoff Devices or and/or Combined Water Feeding and Fuel Feeding/Fuel Cutoff Devices**

- A. An owner, user, or operator shall ensure that low-water ~~Low-water~~ fuel cutoff devices ~~cutoffs~~ or combined water feeding and fuel feeder/fuel cutoff devices do not interfere with an operator's or inspector's ability to safely ~~devices shall be located to provide safe access clean, repair, test, or inspect for cleaning, repairing, testing, and inspection a boiler or lined hot water storage heater.~~
- B. A ~~The~~ low-water fuel cutoff device shall have a pressure rating not less than ~~at least equal to~~ the set pressure of the safety valve or safety relief valve.

- C. An in-probe type low-water fuel cutoff device, an open circuit failure, break, or disconnection of the electrical components or conductors in the safety circuit of a probe-type low-water fuel cutoff device shall prevent continued operation of the firing mechanism of the device.
- D. If an alarm is used, the alarm, when used, shall be clearly distinctly audible above the existing noise level, and may be used in conjunction with indicating lights. They shall be located to alert the operator of the boiler or lined hot water storage heater that a potentially dangerous situation is developing. An alarm may be used in conjunction with indicating lights.
- E. Each automatically fired high pressure steam boiler, except miniature boilers, and these constantly attended boilers, shall have at least 2 two automatic low-water fuel cutoff devices. Each cutoff device shall be installed to prevent start-up of the boiler and to automatically cut off the boiler fuel supply automatically when the surface of the water level of the boiler falls no to a level not lower than the lowest visible part of the gauge glass. Controls of the cutoff devices. One control shall be set so that the cutoff devices to function sequentially ahead of the other.
- F. Each miniature boiler shall have at least 1 one low-water fuel cutoff device.
- G. The activation of the 2nd (lower) low-water fuel cutoff device of 2 cutoff devices set to function sequentially. Functioning of the lower of the two cutoff devices shall cause a safety shutdown (lockout) of a boiler requiring manual reset of the boiler. A The manual reset device shall may be installed incorporated in the lower cutoff device, or may be installed in another location on the boiler as permitted under this Section, effected remotely. If Where a reset device is not installed in separate or remote from the low-water fuel cutoff device, an indicator a means shall reflect be provided to indicate that the low-water fuel cutoff device has caused a safety shutdown (lockout) of the boiler. has operated. The manual reset device may be an of the instantaneous type or use may include a time delay of not more than 3 three minutes after the fuel has been cut off.
- H. Except as otherwise permitted under this Article, a The low-water fuel cutoff device shall may be inserted internally or attached externally to a the boiler. An external cutoff device may be attached to piping that connects connecting a water column to a boiler or the external cutoff device may be combined with a water column. The pipe size of water Water column piping and connections to which an external cutoff device is attached or combined shall be at least 1" one-inch pipe size. If a the low-water fuel cutoff device is connected to a the boiler by pipe or fittings, no shutoff valves of any type shall be placed in the connecting such piping. A cross or similar equivalent fitting shall be placed in the water piping at every right angle to facilitate cleaning and inspection of the boiler and low-water fuel cutoff device. Fuel cutoff devices embodying a separate chamber shall have a full size vertical drain pipe and blowoff valve no less the 3/4-inch pipe size located at the lowest point of the chamber device or water equalizing pipe connections, so that the device chamber and the equalizing pipe can be flushed and the fuel cutoff device tested.
- I. A system may incorporate a time-delay component may be combined with a the low-water fuel cutoff device to prevent short cycling in the boiler system. The time-delay This component shall not constrict any connecting piping, and the time delay shall not exceed the boiler manufacturer's timing or 90 seconds, whichever is less. The low-water fuel cutoff device

shall shut off fuel supply if when the water level falls to the lowest visible part of the gauge glass.

- J. A flow-sensing device may be installed instead of a In lieu of the requirements for low-water fuel cutoff device in devices, a water tube or coil-type boilers boiler that use requiring forced circulation to prevent overheating and failure. The, shall have an accepted flow-sensing device shall to prevent burner operation if when the circulating flow of the water tube or coil-type boiler is below a safe minimum of flow. Flow-sensing devices shall be located to ensure that the device will not be activated if a relief condition occurs.

K. In addition to the requirements of subsections (A) through (E), the The following requirements apply to for low-water fuel cutoff devices for steam boilers,:

- Each automatically-fired steam heating boiler shall have at least 1 one automatic low-water fuel cutoff or combined water feeding and fuel feeder/fuel cutoff device. Boilers with a pumped condensate return shall have 2 two such cutoff devices, each attached with to separate connections to the boiler. Each low-water fuel cutoff device shall be installed to prevent start-up and to automatically shut out off the boiler fuel supply if automatically when the surface of the water level falls no to a level not lower than the lowest visible part of the gauge glass. If a A water feeding device is when used, it shall be constructed and installed so that the water inlet valve cannot feed water into the boiler through the float chamber or its connections to the boiler. The water feeding device shall be located to maintain the operating water level of the boiler.
- If a steam boiler has When dual low-water fuel cutoff devices are used, the electrical circuit shall be connected in such a manner that either both devices device shall will shut off the fuel supply to the boiler if when a low water condition develops. The One low-water fuel cutoff devices device shall be set to function sequentially ahead of the other. The activation of the 2nd (lower) low-water fuel cutoff device Functioning of the lower of the two devices shall cause a safety shutdown (lockout) of the boiler requiring manual reset of the boiler. A The manual reset device shall may be installed incorporated in the lower cutoff device, or may be installed in another location on the boiler as permitted under this Section, effected remotely. If Where a reset device is not installed in separate or remote from the low-water fuel cutoff device, an indicator a means shall reflect be provided to indicate that the low-water fuel cutoff device has caused a safety shutdown (lockout) of the boiler. has operated. The manual reset device may be an of the instantaneous type or use may include a time delay of not more than 3 three minutes after the cutoff device has caused a fuel cutoff has been cut off.
- A The low-water fuel cutoff device shall may be inserted internally or attached externally to a boiler. An external cutoff device may be connected to water column piping. The water column piping to which an external cutoff device is attached shall be at least 1" pipe size, which shall be not less than one-inch pipe size. If When the cutoff device is connected to the boiler by pipe and fittings, no shutoff valves of any type shall be placed in the connecting piping. A and a cross or similar equivalent fitting shall be placed in the water piping connection at every right angle to facilitate cleaning and inspection of the boiler and low-water fuel cutoff device. A full size drain valve and piping shall be

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installed on the lowest cross or similar fitting to facilitate testing of the low-water cutoff device, placed on the bottom of the lowest cross.

4. A low-water fuel cutoff or combined water feeding and fuel feeder/fuel cutoff device may also be installed in the connection (tapped openings) -tapped openings that attaches available for attaching a water gauge glass directly to a boiler, provided the water gauge glass is connected connections are made to the boiler with non-ferrous tees and wyes not less than 1/2 inch pipe size between the boiler and the water gauge glass so that the water gauge is attached directly and as closely else as possible to the boiler. The pipe size of a nonferrous tee and wye connecting a water gauge glass to the boiler shall be at least 1/2". The urn of the tee or wye shall connect to the water glass fitting, and the side outlet or branch of the tee or wye shall connect to the water feeding and fuel feeder/fuel cutoff device. The ends of all pipe nipples shall be reamed to the full inside full-size diameter of the pipe.
5. A low-water Low-water fuel cutoff device devices or combined water feeding and fuel feeder/fuel cutoff device devices embodying a separate chamber shall have a vertical drain pipe and a blowoff valve, not less than 3/4 inch pipe size, located at the device lowest point of the chamber or water equalizing pipe connections to allow testing and flushing of so the device chamber and the equalizing pipe can be flushed and the device tested.
6. A system may incorporate a time-delay component may be combined with a the low-water fuel cutoff device to prevent short cycling in the boiler system. The time-delay This component shall not constrict any connecting piping, and the time delay shall not exceed the boiler manufacturer's timing or 90 seconds, whichever is less. The low-water fuel cutoff device shall cut off the fuel supply if when the water level falls to the lowest visible part of the gauge glass.

L. K. In addition to the requirements of subsections (A) through (E), the The following requirements apply to for low-water fuel cutoff devices for hot water boilers:

1. An Each automatically fired hot water boiler shall be protected by a low-water fuel cutoff or combined feeder cutoff device designed suitable for hot water service.
2. A Since there is no normal waterline to be maintained in a hot water boiler, the low-water fuel cutoff device shall can be located any place above the lowest safe permissible water level established by the boiler manufacturer.
3. No provided no stop valves shall be are located between the boiler and control of a low-water fuel cutoff device.
4. 3. If a the low-water fuel cutoff device is located in the boiler system piping, the owner, user, or operator of the hot water boiler shall ensure that: it must assured that the
  - a. The float chamber drains will drain properly under a low water condition; and
  - b. The the low-water cutoff device is installed so installation must be arranged to assure that if water flow occurs in the float chamber, the water flows it will be in the upward direction.
5. 4. A Functioning of the low-water fuel cutoff device due to a low water condition shall cause a safety shutdown (lockout) requiring a manual reset if low water conditions occur. If Where a reset device is not installed in separate or remote from the low-water fuel cutoff

device, an indicator a means shall reflect be provided to indicate that the low-water fuel cutoff device has caused a safety shutdown (lockout) operated. The manual reset device may be an instantaneous type or may use include a time delay of not more than 3 three minutes after the fuel has been cut off.

6. 5. An owner, user, or operator shall provide a method to test A means shall be provided for testing the operation of a the low-water fuel cutoff device without resorting to draining the piping entire system of the boiler. The method of testing Such means shall not render the low-water fuel cutoff device unsafe or inoperable.

**R20-5-413. Safety and Safety Relief Valves**

- A. A No valve of any description shall not be placed between a the safety valve and a boiler or between a the safety valve and the safety valve discharge point.
- B. A discharge When an escape pipe is used, it shall be the full size of the safety outlet. The discharge escape pipe shall be fitted with a drain to prevent water from accumulating lodging in the discharge escape pipe and in the upper part of the safety valve.
- C. Safety All safety valve discharge piping shall not discharge water or steam into be so located as to clear walkways or platforms.
- D. B. In addition to the requirements of subsections (A) through (C), the following requirements apply to safety Safety valves for power boilers shall meet the following requirements:
  1. A power Each boiler shall have at least 1 one safety valve, except that if - If the heating surface of a power boiler exceeds it has more than 500 square feet of heating surface, or the an electric input of the power boiler is greater more than 500 kilowatts, the power boiler it shall have at least 2 two or more safety valves;
  2. Safety valves shall be connected to the power boiler independent of any other steam connection, and shall be attached as closely else as possible to the power boiler without unnecessary intervening pipe or fittings;
  3. A The safety valve capacity for a power of each boiler shall have the capacity to be such that the safety valve will discharge all the steam that can be generated by the boiler without allowing the pressure to rise more than 6% six percent above the highest pressure to which any valve is set, and in no case more than 6% six percent above the maximum allowable working pressure of the power boiler;
  4. The minimum relieving capacity of a safety valve or safety relief valve relieving capacity for power boilers, other than electric boilers and forced flow steam generators without with no fixed steam and water lines line, shall be determined on the basis of the pounds of steam generated per hour per square foot of the boiler heating surface and water wall heating surface;
  5. The minimum relieving capacity of a safety valve or safety relief valve relieving capacity for electric boilers shall be 3.5 pounds per hour per kilowatt input;
  6. A power boiler shall have 1 One or more safety valves on every boiler shall be set at or below the maximum allowable working pressure. The remaining safety valves may be set within a range of 3% three percent above the maximum allowable working pressure, but the The range of settings for all safety valves on the boiler shall not exceed 10% ten percent of the highest pressure to which any valve is set;
  7. If 2. When two or more connected power boilers operate, operating at different pressures and safety valve set-

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tings, are interconnected, the lower low pressure boiler and interconnected piping connecting the boilers shall be equipped with safety valves of sufficient capacity to prevent over pressure of the lower pressure boiler and connecting piping, considering the maximum generating capacity of the connected all boilers:-

8. ~~When a power In these cases where the boiler is supplied with feed-water directly from a the water main mains without the use of a feeding apparatus, no safety valves valve shall not be set at a pressure greater than 94% percent of the lowest pressure obtained in the water supply main feeding the boiler:-~~
9. ~~Weighted The use of weighted lever safety valves or safety valves having either a cast iron the seat or disk shall not be used of cast iron is prohibited. Safety valves Valves of this type construction shall be replaced by valves that conform to the requirements of the 1995 ASME Boiler and Pressure Vessel Code, Section I, and addenda as of June 30, 1997, incorporated by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the American Society of Mechanical Engineers at International Three Park Avenue, New York, New York 10016-5990 or at <http://www.asme.org/> ASME Code, Section I, 1989 Edition; and:-~~
10. No safety valve shall be smaller than 1/2" one-half inch and no larger than 6" six-inch standard pipe size.

E. C. ~~In addition to the requirements of subsections (A) through (C), the following requirements apply to safety Safety valves for heating boilers shall meet the following requirements:~~

1. ~~A Each steam heating boiler shall have at least 1 one or more ASME-rated and stamped safety valve valves of the spring-loaded pop-type, adjusted and sealed, to relieve the total capacity of the boiler discharge sufficient capacity at a pressure not to exceed 15 p.s.i.g. Seals shall be attached to each safety valve in a manner to prevent tampering or resetting of the valve valves:-~~
2. ~~A Each hot water heating or hot water supply boiler shall have at least 1 one or more safety relief valve to relieve the total capacity of the boiler without exceeding valves of sufficient capacity set to discharge at a pressure not to exceed the maximum allowable working pressure of the boiler; and:-~~
3. ~~Hot Each hot water heating boilers boiler installed in parallel (side by side), having a pump return, shall have check valves installed on either side of a stop valve on the common return header.~~

F. D. ~~In addition to the requirements of subsections (A) through (C), the following requirements shall apply to lined hot water storage heaters:~~

1. ~~A Each lined hot water storage heater shall have at least 1 one ASME-rated and stamped, pressure, temperature pressure/temperature, automatic reseating relief valve of the automatic reseating type. Valves shall be set to discharge at or below the maximum allowable working pressure of the heater and shall be equipped with a test lever:-~~
2. The minimum relieving capacity of the relief valves shall be determined governed by the Btu-per-hour output of the burner that is, stamped on the data plate of the lined hot water storage heater; and:-

3. The minimum relieving capacity of the valves on an electric lined hot water storage heater shall be 3,500 Btu per hour for each kilowatt rating.

**R20-5-414. Pressure-reducing valves**

- A. ~~If a When pressure-reducing valve is valves are used, at least 1 one or more relief or safety valve valves shall be provided on the low pressure side of the reducing valve if when the piping or equipment on the low pressure side does not meet the requirements of the high pressure side. Relief The relief or safety valves shall be placed next to located adjoining or as close as possible to the reducing valve. A relief or safety valve shall not discharge escaping fluid into walkways or an area in which individuals work. Proper protection shall be provided to prevent injury or damage caused by the escaping fluid from the discharge of relief or safety valves.~~
- B. ~~A hand-controlled bypass on a The use of hand-controlled bypasses around reducing valve valves is permissible. If a hand-controlled bypass is used on around a the reducing valve, the safety valve required on the low pressure side shall have the be of sufficient capacity to relieve all pressure the fluid that can pass through the bypass without overpressuring the low pressure side.~~
- C. A pressure gauge shall be installed on the low pressure side and next adjacent to the reducing valve.

**R20-5-415. Boiler Blowdown and Blowoff Blowdown/Blow-off Equipment**

- A. ~~Except as provided in this Section, an owner, user, or operator of blowdown and blowoff Blowdown equipment shall comply with conform to the provisions set forth in the National Board Rules and Recommendations for the Design and Construction of Boiler Blowoff Systems, 1991 1973 Edition, (but not including any later amendments or additions) which is incorporated herein by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated material, except that the minimum thickness of blowdown vessels shall be 3/16 inch. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors at 1055 Crupper Avenue, Columbus, Ohio 43229-1183 or at <http://www.national-board.org/>.~~
- B. Blowdown from a boiler is considered a hazard to life and or property, and-
- C. ~~Blowdown from a boiler shall pass through blowdown equipment that reduces which shall reduce pressure and temperature to levels not exceeding 5 p.s.i.g. and 140° 150 degrees F.~~
- D. ~~The thickness of a blowdown vessel shall be at least 3/16".~~
- E. ~~C. All blowdown equipment shall be fitted with openings that allow to facilitate cleaning and inspection of the equipment.~~
- F. ~~D. Blowdown separators may be used in conjunction with boilers instead in lieu of boiler blowdown tanks, provided that the blowdown separators they are operated with a temperature gauge and water cooler to prevent the drain water temperature from exceeding 140° 150 degrees F.~~
- G. ~~E. In addition to the requirements of subsections (A) through (F), the following requirements apply to blowdown Blow-down piping and valves for power boilers shall conform to the following requirements:~~
  1. Each power boiler shall have 2 two valves on the blow-down piping. The valves shall be designed for the pressure and temperature of the maximum operating pressure of the boiler. The blowdown piping These valves shall may be either have 2 two slow-opening



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valves or one slow-opening and one quick-opening valve. The slow-opening valve shall be a of the wye type valve construction, except that or angle valves may be used in vertical pipes, or they may be used in horizontal runs of piping, if the angle valves provided they are so constructed or installed so that the lowest edge of the opening through the seat of the angle valve is at least 25% percent of the inside diameter below the center line of the angle valve.

2. Globe valves, gate valves, and other valves that have dams or other pockets where sediment may collect shall not be used in a blowdown system service.
3. Quick-opening valves, including ball valves, shall be constructed and approved in accordance with ANSI/ASME B31.1-1995 1986 Edition, *Power Piping*, (but not including any later amendments or editions) which is incorporated herein by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the American Society of Mechanical Engineers at International Three Park Avenue, New York, New York 10016-5990 or at <http://www.asme.org/>.
- 4.2. If When a the safety valve setting is set greater than in excess of 100 p.s.i., the boiler blowdown piping shall be constructed of heavy duty pipe, construction (Schedule 80 Pipe). For purposes of this subsection, heavy duty pipe means Schedule 80 black iron pipe or stronger.
- 5.3. Size of boiler blowdown and blowoff bottom blowdown piping and valves shall comply with be as shown in

Table I.

<u>Minimum Required Safety or Safety Relief Valve Capacity (pounds of steam per hour)</u>	<u>Blowdown and Blowoff Piping and Valve Size</u>
Up to 500	3/4"
501 to 1250	1"
1251 to 2500	1 1/4"
2501 to 6000	1 1/2"
6001 and larger	2"

Table I

<u>TABLE I</u> <u>Size of Bottom Blowoff Piping and Valves</u>	
<u>Minimum Required</u>	<u>Blowoff</u>
<u>Safety or Safety Relief Valve</u>	<u>Valves</u>
<u>Capacity, lb. of steam per hr.</u>	<u>Size, in.</u>
Up to 500	3/4
501 to 1250	1
1251 to 2500	1 1/4
2501 to 6000	1 1/2
6001 and larger	2

**H. F.** In addition to the requirements of subsections (A) through (F), the The following requirements apply to for bottom blowdown or drain valves valve for heating boilers:

1. A Each hot water heating boiler shall have a bottom blowdown or drain pipe connection fitted with a valve or cock connected with the lowest available water space practicable with the minimum size of blowdown piping and valves as shown in Table I;
2. A boiler Boilers that has having a capacity of no more than 25 gallons or less and a minimum drain valve size of 3/4" is are exempt from subsection (F); and provided

they have a three-quarter inch pipe size minimum drain valve.

3. Discharge piping connected to a bottom blowdown or bottom drain connection, or both, shall be the same pipe size as the connection full size to the discharge.

**I. G.** Discharge The discharge outlets of blowdown pipes, safety valves, and other piping shall be located and structurally supported to prevent injury to individuals personnel.

**R20-5-416. Maximum Allowable Working Pressure**

**A.** The ASME Code under which a boiler was constructed and stamped shall determine the The maximum allowable working pressure for the a ASME stamped standard boiler (i.e., one that bears the ASME stamping) shall be determined in accordance with the applicable provisions of the ASME Code under which it was constructed and stamped.

**B.** The maximum allowable working pressure for any cast iron boiler shall be 30 p.s.i.g. (unless otherwise rated by the manufacturer) water service or 15 p.s.i.g. steam service.

**R20-5-417. Maintenance and Operation of Power Boilers; Qualifications for Operators of Power Boilers**

**A.** An owner, user, or operator of a boiler Boilers constructed under the in accordance with ASME Code, Sections I, II, IV, V, or IX having an output capacity in excess of 400,000 BTU per hour shall comply with the manufacturer's maintenance and operation instructions for the boiler, and

**B.** In addition to the requirements of subsection (A), an owner, user, or operator of a boiler constructed under the ASME Code, Sections I, II, IV, V, or IX shall comply with the following preventive maintenance schedule if the boiler contains the component or system listed forth paragraphs (1) through (5):

1. On a daily basis, the owner, user, or operator owner/ operator shall:
  - a. Test the low-water fuel cutoff and alarm, and;
  - b. Check the burner flame for proper combustion.
2. On a weekly basis, the owner, user, or operator owner/ operator shall:
  - a. Check for proper ignition, and;
  - b. Check the flame failure detection system.
3. On a monthly basis, the owner, user, or operator owner/ operator shall:
  - a. Test all fan and air pressure interlocks;
  - b. Check the main burner safety shutoff valve;
  - c. Check the low fire start switch;
  - d. Test For oil-fired units, test fuel pressure and temperature interlocks of oil-fired units, and
  - e. Test the For gas-fired units, test high and low fuel pressure switch of gas-fired units.
4. Every 6 months Semiannually, the owner, user, or operator owner/ operator shall:
  - a. Inspect burner components;
  - b. Check flame failure system components, such as vacuum tubes, amplifier, and relays;
  - c. Check wiring of all interlocks and shutoff valves;
  - d. Recalibrate all indicating and recording gauges; and;
  - e. Check steam and blowdown piping and valves.
5. Annually, the owner, user, or operator owner/ operator shall:
  - a. Replace vacuum tubes, scanners, or flame rods in the flame failure system according to in accordance with the manufacturer's instructions;
  - b. Check all coils and diaphragms; and;



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- c. Test operating parts of all safety shutoff and control valves.

**C.** ~~An owner or user of a power boiler owner/operator having title to, or control over, the operation of a boiler, as described in subsection (A), shall act as, or designate an individual, a qualified boiler operator who meets the requirements of subsection (E) to operate the boiler. An owner or user may operate the boiler if the owner or user meets the requirements of subsection (E).~~

**D.** A boiler operator that meets the requirements of subsection (E) shall be on the premises at all times a power boiler is in operation.

**E.** A boiler operator of a power boiler shall meet the following minimum requirements. The minimum standards to be used by the owner/operator to determine a qualified operator are:

1. Knowledge of and an ability Ability to explain the function and operation of all safety controls of on the boiler; under his control.
2. Ability to start light off the boiler in a safe manner;.
3. Knowledge The knowledge of all existing safe methods of feeding water to the boiler;.
4. Knowledge The knowledge of and the ability to blow down the boiler in a safe manner;.
5. Knowledge The knowledge of safety procedures to follow if should water exceeds exceed or drops drop below the permissible safety safe levels; and .
6. Knowledge of and the ability The knowledge of how to safely shut down the boiler.

**R20-5-418. Age Limit of Non-standard Boilers**

- A.** An owner, user, or operator shall remove from service a Any non-standard boiler (i.e., one that does not bear an the-ASME stamp stamping) shall not be continued in service, unless the boiler operates properly and safely after an inspector performs an , after a thorough internal and external inspection and , no distress or leakage develops during a hydrostatic pressure test of 1 1/2 times the allowable working pressure held for at least 30 minutes. The inspections and test required under this subsection shall be performed on an annual basis and any time an owner, user, or operator suspects that a boiler cannot be operated safely.
- B.** Any non-standard boiler having lap riveted longitudinal joints shall be removed from service and condemned.

**R20-5-419. Request to Reinstall Boiler or Lined Hot Water Heater**

- A.** The Division shall grant or deny permission to reinstall a boiler or lined hot water heater within 3 business days after an owner or user requests permission to reinstall the boiler or lined hot water heater. The order of the Division granting or denying permission to reinstall a boiler shall be in writing.
- B.** The Division shall grant permission to reinstall a boiler or lined hot water heater if the boiler or lined hot water heater complies with A.R.S. § 23-471 et seq. and this Article. The Division shall deny permission to reinstall a boiler or lined hot water storage heater if the boiler or lined hot water storage heater does not comply with A.R.S. § 23-471 et seq. and this Article.
- C.** An order of the Division denying permission to reinstall a boiler shall be final unless an owner or user requests a hearing under A.R.S. § 23-479 within 15 days after the Division mails the order. The owner or user requesting a hearing shall have the burden to prove that a boiler meets the requirements of A.R.S. § 23-471 et seq. and this Article.

**R20-5-420. Special Inspector Certificate Under A.R.S. § 23-485**

**A. Review Time-frames.**

**1. Administrative Completeness Review.**

- a. The Division shall determine whether an application to take a written examination or request for a special inspector certificate under A.R.S. § 23-485 is complete within 3 days of receipt of the application or request. The Division shall inform the applicant whether the application or request is complete or incomplete by written notice. If the application or request is incomplete, the Division shall include in its written notice to the applicant a complete list of the missing information.
- b. The Division shall deem an application or request withdrawn if an applicant fails to file a complete application or request within 10 days of being notified by the Division that the application or request is incomplete, unless the applicant obtains an extension to provide the missing information. An applicant may obtain an extension to submit the missing information by filing a written request with the Division no later than 10 days after the Division mails notice that the application or request is incomplete. The written request for an extension shall state the reasons the applicant is unable to meet the 10 day deadline. If an extension will enable the applicant to assemble and submit the missing information, the Division shall grant an extension of not more than 10 days and provide written notice of the extension to the applicant.

**2. Substantive review.**

- a. Application to take written examination under A.R.S. § 23-485(A). Within 3 days after the Division deems an application complete under subsection (B), the Division shall determine whether the applicant is eligible to take the National Board Examination.
- b. Request for special inspector certificate under A.R.S. § 23-485. Within 3 days after the Division deems a request complete under subsection (C), the Division shall determine whether the applicant meets the criteria of A.R.S. § 23-485 and subsection (C).

**3. Overall review. The overall review period shall be 6 days, unless extended under A.R.S. § 41-1072 et seq.**

**B. Application to take Written Examination under A.R.S. § 23-485(A).**

1. An application to take the written examination under A.R.S. § 23-485 (A) is deemed complete under subsection (A)(1) when an applicant files a complete and notarized application to take the National Board Examination.
2. An individual requesting to take the written examination under A.R.S. § 23-485(A) shall complete an application to take the National Board Examination on a form approved by the Commission at least 45 days before the date of the examination.
3. The application to take the National Board Examination shall be filed with the Division. An application is considered filed when it is received at the office of the Division and stamped by the Division with the date of filing.
4. An application to take the National Board Examination shall be typewritten or written in legible text.

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5. The individual completing the application to take the National Board Examination shall sign the application. The signature shall be notarized.
- C. Application for Special Inspector Certificate under A.R.S. § 23-485.** An application for a special inspector certificate under A.R.S. § 23-485 is deemed complete under subsection (A)(1) when the following is filed with the Division:
1. The applicant provides written documentation that the applicant holds a certificate of competency as an inspector of boilers or lined hot water storage heaters for a state that has a standard of examination substantially equal to that of Arizona or the applicant holds a commission as an inspector of boilers and pressure vessels issued by the National Board of Boiler and Pressure Vessel Inspectors; and
  2. The applicant provides proof of employment as a full time inspector for a company operating or insuring boilers or lined hot water storage heaters in Arizona and whose duties as an inspector include making inspections of boilers or lined hot water storage heaters to be used or insured by the company and not for resale.
- D. Notice of Eligibility.**
1. If an applicant is eligible to take the National Board Examination, the Division shall issue a written notice of eligibility to the applicant. If an applicant is not eligible to take the National Board Examination, the Division shall issue a written notice denying eligibility to the applicant. The Commission shall deem the notice denying eligibility final if an applicant does not request a hearing within 15 days after the Division mails the notice.
  2. If an applicant meets the criteria of A.R.S. § 23-485 and subsection (C), the Division shall issue a certificate to the applicant under subsection (G). If an applicant fails to meet the criteria of A.R.S. § 23-485 and subsection (C), the Division shall issue a written notice denying eligibility to the applicant. The Commission shall deem the notice denying eligibility final if an applicant does not request a hearing within 15 days after the Division mails the notice.
- E. Written Examination under A.R.S. § 23-485(A).**
1. The written examination described in A.R.S. § 23-485(A) shall be the National Board Examination of the National Board of Boiler and Pressure Vessel Inspectors.
  2. The Division shall administer the National Board Examination the 1st Wednesday and Thursday of every March, June, September, and December to eligible applicants. Within 2 days after the Division administers the National Board Examination, the Division shall return the examinations of eligible applicants to the National Board of Boiler and Pressure Vessel Inspectors. Examinations shall be graded by the National Board of Boiler and Pressure Vessel Inspectors.
  3. An applicant is qualified to take the National Board Examination if the applicant meets the criteria established by the *Rules and Regulations* of the National Board of Boiler and Pressure Vessel Inspectors, Article 1, NB 215, 1994, incorporated by reference and on file with the Office of the Secretary of State. This incorporation does not include any later amendments or editions of the incorporated material. A copy of this referenced material is available for review at the Industrial Commission of Arizona and may be obtained from the National Board of Boiler and Pressure Vessel Inspectors at 1055 Crupper Avenue, Columbus, Ohio 43229-1183 or at <http://www.nationalboard.org/>.
4. A passing grade of the National Board Examination is 70%.
  5. The Division shall provide written notice to an applicant of the applicant's grade for the National Board Examination within 3 days after the Division receives notice of the grade from the National Board of Boiler and Pressure Vessel Inspectors.
  6. The Division shall issue a certificate of competency to an applicant that passes the National Board Examination.
- F. Issuance of Special Inspector Certificate.** The Division shall issue a special inspector certificate A.R.S. § 23-485 to an applicant no later than 3 days after the Division determines that an applicant meets the criteria of A.R.S. § 23-485 and subsection (C).
- G. Hearing on Denial of Eligibility for Special Inspector Certificate.**
1. A request for hearing protesting a notice of eligibility shall be in writing and signed by the applicant or the applicant's legal representative. The applicant shall file the request for hearing with the Division.
  2. The Commission shall hold a hearing under A.R.S. § 41-1065. The hearing shall be stenographically recorded.
  3. The Chair of the Commission or designee shall preside over hearings held under this Section. The Chair shall apply the provisions of A.R.S. § 41-1062 et seq. to hearings held under this Section and shall have the authority and power of a presiding officer as described in A.R.S. § 41-1062.
  4. A decision of the Commission to deny or grant eligibility for a special inspector certificate shall be based upon the criteria set forth in A.R.S. § 23-485 and this Section and shall be made by a majority vote of the quorum of Commission members present when the decision is rendered at a public meeting. After a decision is rendered at a public meeting, the Commission shall issue a written decision upon hearing which shall include findings of fact and conclusions of law, separately stated. An order of the Commission denying a special inspector certificate is final unless an applicant files a request for review within 15 days after the Commission mails its order.
  5. A request for review shall be based upon 1 or more of the following grounds which have materially affected the rights of an applicant:
    - a. Irregularities in the hearing proceedings or any order or abuse of discretion whereby the applicant seeking review was deprived of a fair hearing;
    - b. Misconduct by the Division;
    - c. Accident or surprise which could not have been prevented by ordinary prudence;
    - d. Newly discovered material evidence that could not have been discovered with reasonable diligence and produced at the hearing;
    - e. Excessive or insufficient sanctions or penalties imposed at hearing;
    - f. Error in the admission or rejection of evidence, or errors of law occurring at, or during the course of, the hearing;
    - g. Bias or prejudice of the Division; and
    - h. The order, decision, or findings of fact are not justified by the evidence or are contrary to law.

**Notices of Final Rulemaking**

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6. The Commission shall issue a decision upon review no later than 30 days after receiving a request for review.
7. The Commission's decision upon review is final unless an applicant seeks judicial review as provided in A.R.S. § 23-483.